



Ministry of Housing  
and  
Social Development

Liquor Control and Licensing Branch

**Compliance and Enforcement  
Policy and Procedures  
Manual**

Last Update – January 2008

**FIELD REFERENCE**

LCLB205

## C&E Field Reference Manual - Updates

Date	Update Description	Updated Pages
November 2007	<b><u>Policy Directive 07-02</u></b> Age Verification Requirements and Penalties for Admitting or Serving/Selling to Minors (issued: February 16, 2007)	<b><u>Section 1:</u></b> 1.1 (1f) 1 1.1 (4e) 3  <b><u>Section 5:</u></b> 5.3 DELETED
June 2007	<b><u>Policy Directive 07-05</u></b>  Serving It Right (SIR) Program Changes to Licensing Policy Manual (LPM)	<b><u>Section 12:</u></b> 12.1 1-2

There may be a delay before we are able to incorporate the changes noted in the Policy Directive into all relevant branch publications. We regret any inconvenience. The date the change takes effect is the date noted on the Policy Directive.

See Policy Directives page on the Liquor Control and Licensing Branch website for list of recent Policy Directives – [www.hsd.gov.bc.ca/lclb/publications/policy/](http://www.hsd.gov.bc.ca/lclb/publications/policy/)

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## SECTION 1: COMPLIANCE STRATEGIES

### 1.1 Conducting Inspections

1. Conducting an inspection of a food-primary or liquor-primary establishment
  - (a) Before entering the establishment, the inspector will observe:
    - whether there is a line up of patrons waiting to enter the establishment
    - advertising or signs on the outside of the establishment, and
    - any disturbance occurring outside the establishment
  - (b) The inspector will enter the establishment and note the time.
  - (c) The inspector will make an initial observation of the establishment, including:
    - activities at the door to screen identification, control the number of patrons in the establishment and control entry of intoxicated persons
    - the number of staff
    - the number of patrons
    - patron behaviour, and
    - atmosphere.
  - (d) If appropriate, the inspector will advise the licensee of the inspection.
  - (e) If appropriate, the inspector will question the licensee on any previous concerns and what follow-up action has been taken.
  - (f) The inspector will make a critical observation of the patrons, entertainers, staff and physical condition of the establishment as the inspector moves through the premises. Items that the inspector should be alert to during the inspection include:
    - posting of licence and approved floor plans
    - presence of minors
    - whether staff are consistently requesting two pieces of identification when verifying that a patron is not a minor before serving them liquor
    - gambling
    - unlawful activities
    - disorderly or riotous conduct
    - intoxicated persons
    - presence of weapons
    - overcrowding
    - whether a restaurant is not operating in a manner primarily focused on the service of food
    - unauthorized games or entertainment
    - management or staff consumption
    - liquor in unauthorized areas
    - liquor promotions, contests or advertising
    - structural changes, and
    - public safety concerns, e.g., fire hazards, exits, fire escapes.

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2. Conducting inspections of UBrews and UVins
  - (a) Before entering the establishment, the inspector will observe advertising or signs on the outside of the establishment.
  - (a) The inspector will enter the establishment and note the time.
  - (a) If appropriate, the inspector will advise the licensee of the inspection.
  - (a) If appropriate, the inspector will question the licensee on any previous concerns and what follow-up action has been taken.
  - (a) The inspector will observe and note the following:
    - the activities performed by the staff and the customers, in particular, whether customers or staff are pitching yeast
    - the general operation of the establishment including whether:
      - the carboys are adequately tagged
      - invoices are provided to customers
      - customers pay before manufacturing
      - customers are bottling and removing the product, and
      - hours of operation
    - whether finished product is offered for sale
    - any indication that product is not being used solely for private consumption
    - whether there are minors working as staff and the level of supervision
    - whether there are minors in the establishment and their activities in the establishment, and
    - the advertising of the establishment.
  - (f) The inspector will review the invoices and customer acknowledgments.
  - (g) The inspector will review all other required records of the establishment.
3. Conducting inspections of wineries
  - (a) Before entering the establishment, the inspector will observe advertising or signs on the outside of the establishment.
  - (b) The inspector will enter the establishment and note the time.
  - (c) If appropriate, the inspector will advise the licensee of the inspection.
  - (d) If appropriate, the inspector will question the licensee on any previous concerns and what follow-up action has been taken.
  - (e) The inspector will inspect the manufacturing area and equipment to ensure that the winery has the capability to produce at least 4500 litres of wine per year.
  - (f) The inspector will observe activities occurring in any sampling area to ensure that no more than 150 ml of samples are being sold to any one person.
  - (g) The inspector will observe activities occurring within any winery lounge, paying particular attention to those items listed in procedure 1(f) above.
  - (h) The inspector will observe activities occurring within any special event area, paying particular attention to those items listed in procedure 1(f) above.

- (i) The inspector will observe activities occurring within any designated picnicking area to ensure that:
  - products are not being sold or served in the picnicking area
  - the picnicking area is only operated during daylight hours
  - the picnicking area has a clearly defined boundary and is no more than 1,000 square feet in size, and
  - the picnicking area is open to the elements with no structures or heaters.
- (j) The inspector will observe activities occurring in association with tours held in any designated tour area.
- (k) If any special occasion licensed events are occurring at the winery, the inspector will review the terms of the licence and observe whether the special event is being conducted in accordance with those terms.

4. Conducting inspections of licensee retail stores

- (a) Before entering the establishment, the inspector will observe:
  - advertising or signs on the outside of the establishment
  - activities occurring outside the establishment, e.g., bootlegging for minors, and
  - whether intoxicated persons are leaving the establishment.
- (b) The inspector will enter the establishment and note the time.
- (c) If appropriate, the inspector will advise the licensee of the inspection.
- (d) If appropriate, the inspector will question the licensee on any previous concerns and what follow-up action has been taken.
- (e) The inspector will observe and note the following:
  - types of items for sale
  - separation between the licensee retail store and any adjacent liquor-primary establishment
  - any indication that product is being transferred from the licensee retail store to an adjacent liquor-primary establishment
  - presence of games or entertainment
  - hours of operation
  - the presence of minors
  - whether staff are consistently requesting two pieces of identification when verifying that a patron is not a minor before selling them liquor
  - the presence of intoxicated persons
  - signs and advertising within the establishment
  - any promotions or contests, and
  - the conduct of any consumer tastings.

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5. Recording inspections

- (a) The inspector will record the:
  - licensee name
  - travel time, and
  - time in and time out

for each inspection in the inspector's notebook. The inspector will include in the travel time for the first inspection entry the time taken for the inspector to arrive at the establishment from the field inspector or their residence. The inspector will include in the last inspection entry the time taken for the inspector to return to the field office or their residence.

- (b) In the inspector's notebook the inspector will describe any conversations with the licensee, areas of potential concern or follow-up required.
- (c) The inspector will record any liquor or food purchases made during an inspection in the inspector's notebook. The inspector will record the amount of liquor consumed during the inspection, if any. The inspector will retain the receipts for evidentiary purposes.
- (d) The inspector will enter the information recorded in the inspector's notebook for each inspection on Ranger or POSSE.

## **1.2 24 Hour Suspensions**

1. The inspector will consider the following factors and determine whether or not to suspend the licence and order the immediate removal of patrons and closure of the licensed establishment:
  - the number of patrons or employees engaged in the riotous, violent, drunken or disorderly conduct
  - the risk of immediate harm to members of the public due to the patron or employee conduct, including members of the public within the licensed establishment and adjacent residents or businesses
  - the risk of immediate harm to employees due to the patron or employee conduct
  - the actions and ability of the licensee and employees to regain management of conduct in the establishment
  - the availability of police support, and
  - whether the safety of patrons and employees can be assured without ordering a suspension of the licence and evacuation of the premises.
2. If the inspector decides it is necessary to suspend the licence and order the immediate removal of patrons, the inspector will contact the local police and ask for their attendance at the licensed establishment. The inspector will not take any further action to suspend the licence until the police are in attendance.
3. If the inspector believes the establishment may be overcrowded, the inspector will arrange for a police officer or liquor inspector to be in attendance at all exits and to count the number of patrons as they exit.
4. The inspector will determine the period for which the licence should be suspended, to a maximum of 24 hours.
5. The inspector will inform the licensee or manager on duty:
  - that the licence is being suspended under the authority of section 22 of the Act
  - the time period for the suspension, and
  - that the premises must be vacated.
6. The inspector will collect evidence in accordance with the policies and procedures outlined in this manual for the specific contravention(s) identified. Generally, the inspector will interview the licensee and obtain liquor sales receipts before leaving the establishment.

7. The inspector will fully describe in the inspector's notebook:
  - the factors which led the inspector to determine that a suspension of the licence was required
  - the terms and length of the suspension
  - the comments and actions of the licensee when informed of the suspension, and
  - the identity of the police officers in attendance.
8. The inspector will ask that the police officers forward a copy of their notes and / or the relevant general occurrence report to the inspector.
9. As soon as possible after the event, the inspector will inform the regional manager of the suspension.





## SECTION 2: GATHERING EVIDENCE

### 2.1 Seizing Liquor and Taking Samples

#### 1. Seizing liquor

- (a) The inspector will mark the liquor with the date and time of seizure and the inspector's initials.
- (b) The inspector will record on an exhibit label the complete brand name of the liquor product and the CSPC number (if one is recorded on the container) as well as the volume and type (e.g., glass, plastic) of the container. If there is no product identification on the bottle or container, the inspector will ask the licensee what the product is and record the response. If an exhibit label is not available, the inspector will record this information in the inspector's notebook.
- (c) If labels are available, the inspector will place an exhibit label on the body of each container of liquor seized and a neck label over the top of the bottle.
- (d) The inspector will record in the inspector's notebook:
  - the observations or events that led to the seizure
  - a description of the liquor seized
  - the numbers recorded on any neck labels
  - names of any witnesses to the seizure
  - the locations from which the liquor was seized, and
  - the date and time of the seizure.
- (e) If available, the inspector will complete an exhibit receipt describing the liquor and all other items seized.
- (f) The inspector will provide a copy of the receipt to the licensee and ask the licensee to sign the receipt. If the inspector does not have a receipt available, the inspector will ask the licensee to sign the inspector's notebook, or the contravention notice if one was issued, to acknowledge that the liquor was seized.
- (g) If the licensee refuses to sign, the inspector will indicate "refused to sign" on the receipt signature line or in their notebook.
- (h) The inspector will advise the licensee that a claim may be made for return of the liquor under section 70 of the Act within 30 days from the date of the seizure.
- (i) The inspector will maintain continuity and safeguard the seized liquor in accordance with the procedures outlined in 7.6 Maintaining Continuity of Evidence and Exhibits.

#### 4. Taking samples

- (a) The inspector will use only sterile branch-issued sample containers and ensure that samples do not become contaminated.
- (b) The inspector will use one container for each sample. The inspector will use the appropriate type of container for the type of liquor being sampled:
  - spirits – glass containers
  - wine or beer in bottles – entire bottle is used as the sample
  - wine or beer from an opened container – glass containers with teflon caps, and
  - fermenting juice – plastic bottles and salicylic acid powder. Salicylic acid stops fermentation, allowing the alcohol content of a sample to be determined.
- (c) The inspector will use pipettes to transfer samples into containers. The inspector will use a new pipette for each sample taken.

- (d) If the sample is being taken from a liquor dispensing machine, the inspector will take the sample from the feed bottle or reservoir in the manifold of the dispenser. The dispenser or lines may be contaminated with other liquor.
- (e) The inspector will fill sample bottles approximately  $\frac{3}{4}$  full in order to prevent leaks from expansion of the liquid due to heat, pressure or humidity change.
- (f) If the inspector believes that there may have been contamination of the liquor sample during the sampling process, the inspector will:
  - place the pipette in an envelope
  - seal the envelope
  - label the envelope to correspond to the liquor sample, and
  - include the pipette in the package with the samples sent for analysis.
- (g) The inspector will reserve one unused glass container from each batch of bottles used for samples and include it with the samples sent for analysis.

3. Marking samples

- (a) The inspector will place a neck label over the cap and seal the sample container.
- (b) The inspector will complete and affix a seizure label for each container including the brand name of the liquor product and the CSPC number (if one is recorded on the bottle or container from which the sample was taken). If there is no product identification on the bottle or container, the inspector will ask the licensee what the product is and record the response.

4. Recording details of the sampling

- (a) If the samples were taken from a liquor dispensing machine, the inspector will record:
  - the level of fluid in the canister
  - the condition of the roof in the area where the canister is located, i.e., any evidence of water damage or leaking, and
  - security measures in place in the area where the canister is located, e.g., whether the area is locked, how many people have access to the area.
- (b) The inspector will make comprehensive notes in the inspector's notebook recording all the circumstances pertaining to the sampling, including:
  - observations or events that led the inspector to take the sample
  - the names of any witnesses to the events and the sampling
  - the locations from which samples were taken
  - the date and time of the sampling
  - the number recorded on each neck label, and
  - a physical description of the samples taken.

## 2.2 Obtaining Documents, Records and Things

### 1. Requesting documents, records and things

#### (a) If an inspector concludes that:

- a prescribed document, or
- a record or thing associated with the operation of the establishment

should be produced or inspected, the inspector will ask the licensee to produce the item.

#### (b) If the licensee does not produce the item in response to a verbal request, the inspector will make a written request for the item. A written request will include:

- a date of production that is within 7 to 10 days from the date of the request or a reasonable time given the nature of the item, and
- a description of the item. The description may be general if the inspector does not have sufficient information to specifically identify the item, and
- the consequences of a failure to comply with the request.

#### (c) The inspector will deliver all written requests, either personally or by registered mail, to the licensee's office of record and the establishment.

### 2. Making copies or extracts of documents, records or things

#### (a) Upon production of the requested item, the inspector will confirm with the licensee whether the item needs to be returned. If the licensee needs the documents, records or things returned, the inspector will make copies or extracts and return the items to the licensee in accordance with procedures (d) and (e) below. If the licensee does not need the documents, records or things returned, the inspector may retain the items.

#### (b) The inspector will prepare an exhibit receipt listing and describing the items that were removed or retained. The inspector will ask the licensee to sign the receipt. The inspector will give a copy of the receipt to the licensee. If an exhibit receipt is not available, the inspector will list the items removed on the contravention notice or in the inspector's notebook and ask the licensee to sign the notice or the notebook to acknowledge that the items were removed.

#### (c) The inspector will make notes of all the circumstances pertaining to the removal, such as:

- the events leading to the removal
- names of witnesses
- location of items, and
- time the items were removed.

#### (d) If the licensee needs the items returned, as soon as practical, the inspector will make copies of all items removed and certify each copy as a certified true copy by comparing the copy to the original, applying a stamp to the face of the copy and signing and dating the stamp.

#### (e) The inspector will take a copy of the exhibit receipt or their notes when returning the items and have the person who receives the returned items acknowledge that each item has been returned. The inspector will note the name of the person who received the items and their acknowledgment that all items were returned in the inspector's notebook. The inspector will ask the person to initial and date the copy of the exhibit receipt or notes to signify their acknowledgment.

## 2.3 Maintaining Continuity of Evidence and Exhibits

### 1. Immediately upon seizing a piece of evidence, the inspector will mark the evidence with:

- the date of seizure
  - the time of seizure, and
  - the inspector's initials.
2. The inspector will complete an exhibit receipt for all seized evidence, ask the licensee to sign the receipt and give a copy of the receipt to the licensee. Where an exhibit receipt is unavailable, the inspector may list the seized items in the inspector's notebook, or on the contravention notice if one is issued, and ask the licensee to initial the notebook or the contravention notice.
  3. The inspector will maintain control of the seized evidence while transporting it to the field office.
  4. The inspector will record the following information in the field office exhibit ledger:
    - time seized
    - from whom the evidence was seized
    - detailed description of the evidence, and
    - the location where the evidence was deposited.
  5. The inspector will assign the corresponding exhibit number from the exhibit ledger to the evidence and include the exhibit number on the seizure label and exhibit receipt.
  6. The inspector will place the original exhibit receipt in the exhibit ledger.
  7. The inspector will secure the evidence in a designated branch evidence storage facility along with one copy of the exhibit receipt.
  8. If evidence leaves the inspector's possession, the inspector will record on the back of the exhibit receipt the following:
    - to whom the evidence was given and why
    - the time and date it was given to that person, and
    - the time and date it was returned and by whom.

## SECTION 3: IDENTIFYING A CONTRAVENTION

### 3.1 Issuing a Contravention Notice

1. Completing the contravention notice
  - (a) The inspector will indicate the date and time that the contravention was identified on the contravention notice.
  - (a) The inspector will indicate the sections of the Act and / or regulation that were contravened.
  - (a) In the "details" section of the contravention notice, the inspector will note the key observable factors that are relevant to the contravention. The licensee should be able to understand the key evidence of the alleged contravention by reading the information documented in the details section.
2. Distributing the contravention notice
  - (a) The inspector will issue copy 1 of the contravention notice, the establishment copy, at the establishment at the time of identifying the contravention. If the inspector determines that it is not safe to issue the contravention notice at that time, or if the inspector is attempting to remain undetected, the inspector will either:
    - deliver a copy of the contravention notice to the establishment at another time, or
    - mail a copy of the contravention notice to the establishment.
  - (b) The inspector will enter the information from the contravention notice on Ranger or POSSE.
  - (c) The inspector will:
    - mail copy 2 to the licensee's office of record
    - mail copy 3 to headquarters for filing on the headquarters establishment file, and
    - file copy 4 on the field establishment file.

### 3.2 Correcting a Contravention Notice

3. Correcting a contravention notice that has not been issued to the licensee

When the inspector makes a mistake preparing a contravention notice and has not left the notice at the establishment or delivered it to the licensee, the inspector will do one of the following:

  - (a) If the inspector has identified the wrong contravention and amending that mistake does not make the contravention notice unreadable, the inspector will:
    - draw a line through the incorrect contravention
    - initial the correction
    - indicate the correct contravention, and
    - issue the contravention notice.
  - (b) If the inspector has made a mistake in the "details" portion of the contravention notice, the inspector will:
    - draw a line through the incorrect information
    - initial the correction
    - insert the correct information, and
    - issue the contravention notice.

(c) If the inspector has indicated the wrong contravention or made a mistake in the "details" portion of the contravention notice and the notice cannot be changed without affecting the readability of the notice, the inspector will:

- draw a line across the contravention notice. The inspector will ensure that all copies of the contravention notice are in place when this is done
- write "VOID" on the notice
- fill out a new contravention notice for the identified contravention
- issue the new contravention notice, and
- retain all copies of the voided notice in the book.

2. Correcting a contravention notice that has been issued to the licensee

When the inspector notices a mistake on a contravention notice and the notice has been left at the establishment or delivered to the licensee, whether or not the inspector will be recommending enforcement action for the alleged contravention:

- (a) The inspector will draw a line across every copy of the contravention notice in the inspector's possession.
- (b) The inspector will write "Amended by contravention notice # \_\_\_\_" on each copy of the notice. The inspector must fill in the number of the contravention notice that replaces the original contravention notice.
- (c) The inspector will fill out a new contravention notice for the identified contravention and identify in the "details" portion of the contravention notice that it replaces the original contravention notice. The inspector will include the number of the original contravention notice.
- (d) The inspector will send a copy of the new contravention notice with a copy of the original notice as amended to the licensee's office of record.
- (e) The inspector will deliver or send a copy of the new contravention notice with a copy of the original notice as amended to the establishment.
- (f) The inspector will ensure that all copies of the new contravention notice are distributed. The inspector will attach a copy of the original notice as amended so that it is clear the contravention notice has been replaced with the amended notice.

## **SECTION 4: OPERATING OUTSIDE OF LICENCE PURPOSE**

### **4.1 Food-primary Establishment Operating Contrary to Primary Purpose**

1. If an inspector suspects that a food-primary establishment is operating contrary to its primary purpose, the inspector will observe the operation of the establishment and document their observations before notifying the licensee of their concerns.
2. The inspector will review any specific licence terms and conditions for the establishment.
3. The inspector will gather further evidence of the contravention. The inspector may:
  - interview staff
  - interview the licensee
  - interview patrons
  - interview neighbouring residents or businesses
  - request tapes from any video surveillance cameras in the establishment, and / or
  - obtain documents from the licensee, including:
    - sales records
    - food purchase records
    - liquor register
    - sales receipts
    - drink lists
    - menus
    - advertising, and
    - payroll records.
4. The inspector will carry copies of the dining establishment inspection record when conducting inspections of food-primary establishments and document the details of this contravention on that form. If the inspector does not have a copy of the form when conducting the inspection, the inspector will record the details of the contravention in the inspector's notebook and transcribe the information onto a copy of the form once they have returned to the field office.

The following table illustrates the analysis inspectors must bring to each of the factors that may indicate whether the primary purpose of the business carried on in the establishment is the service of food during all hours of its operation and the evidence that inspectors may gather for each factor. This is not an exhaustive list. Specific circumstances may arise that are illustrative of the shift away from a primary focus on the service of food.



Factor	Analysis	Evidence
Whether the kitchen is open and adequately staffed and equipped for the service of food	<p>Does the establishment serve a reasonable selection of menu items including appetizers and entrees, or their equivalents?</p> <p>Is the kitchen open and adequately staffed for the number of patrons?</p> <p>Is the equipment being used?</p> <p>Is there food in the process of being prepared or, alternatively, are all food items wrapped and stored?</p> <p>Does the food in the kitchen reflect the establishment's menu?</p> <p>If patrons are consuming food, has it been prepared at another establishment?</p> <p>Are there dirty dishes being processed through the dishwasher and are they consistent with what one would expect for the size of establishment and the number of patrons on site?</p>	<ul style="list-style-type: none"> <li>• menu</li> <li>• food receipts</li> <li>• whether the kitchen is open</li> <li>• type of food in the kitchen</li> <li>• whether food is being prepared</li> <li>• types of food being prepared</li> <li>• types of items evident on tables</li> <li>• number of staff in the kitchen and their positions</li> <li>• number of patrons in the establishment</li> <li>• types of equipment</li> <li>• whether each piece of equipment is on</li> <li>• whether each piece of equipment is in use</li> <li>• number and type of dishes being processed in dishwasher</li> <li>• whether food has been stored, types of food that have been stored and method of storage</li> <li>• any indication that food has been prepared at another establishment, e.g., pizza boxes</li> </ul>
Furnishings and lighting	<p>Is the décor suitable for dining and table service?</p> <p>Is there enough seating to accommodate the number of patrons?</p> <p>Are the table tops in the dining area big enough to lay a place setting for each of the patrons seated at the table?</p> <p>Is there enough cutlery and dishes for the number of patrons?</p> <p>Is the lighting consistent with a restaurant, e.g., strobe lighting or not enough lighting for a patron to distinguish if their food is properly cooked?</p>	<ul style="list-style-type: none"> <li>• type of furnishings</li> <li>• type of décor</li> <li>• number of tables</li> <li>• number of chairs</li> <li>• number of patrons</li> <li>• size of table top and number of chairs for each table</li> <li>• amount of cutlery and crockery available</li> <li>• type of lighting and number of light fixtures</li> <li>• light level</li> </ul>



Factor	Analysis	Evidence
Menu	<p>Are the majority of items listed on the menu food items or liquor or alcoholic beverages?</p> <p>Does the menu offer non-alcoholic beverages?</p> <p>Are there enough items on the menu for a person to have a meal?</p> <p>Are the items on the menu generally thought of as snacks or do they include a variety of entrees as well?</p> <p>Does the establishment have a smaller menu with limited choices available during certain times of the day, for instance, at the close of standard office hours for an establishment in a commercial area or in the later evening hours for establishments near entertainment facilities such as movie theatres?</p>	<ul style="list-style-type: none"> <li>• food menu and hours of availability</li> <li>• liquor menu</li> </ul>
Staff on duty and the duties they are performing	<p>Is there a doorman collecting cover charges or other staff performing duties that are not consistent with a restaurant whose primary purpose is the service of food?</p> <p>Are staff checking identification at the door or prohibiting entry of minors?</p>	<ul style="list-style-type: none"> <li>• number of staff</li> <li>• staff positions and duties</li> </ul>
Type and hours of games and entertainment offered by the licensee	<p>Can a patron order a meal while entertainment is offered?</p> <p>Do the games and entertainment complement the service of food, such as dine and dance entertainment, or do the games and entertainment detract from the service of food?</p> <p>Are games available that require patrons to get up from the dining area, such as billiards, foosball and standup video arcade games?</p> <p>Does the licensee hold an endorsement for the type of entertainment offered and the time during which it is being presented?</p>	<ul style="list-style-type: none"> <li>• terms and conditions of licence with respect to games and entertainment</li> <li>• advertising of games or entertainment</li> <li>• types of games or entertainment available</li> <li>• number of games tables or machines</li> <li>• number of patrons playing games</li> <li>• number of patrons observing entertainment</li> <li>• location of games or entertainment</li> <li>• noise levels due to the games or entertainment</li> <li>• dates and times when games or entertainment are offered</li> <li>• whether patrons are ordering food while games or entertainment are occurring</li> </ul>

<b>Factor</b>	<b>Analysis</b>	<b>Evidence</b>
Establishment advertising	<p>Does the establishment focus its advertising on the food or does it focus on entertainment and other attributes of the establishment?</p> <p>Does the advertising inside the establishment, such as posters, neon signs, coasters, glassware, etc. focus predominantly on liquor?</p> <p>Is the advertising for the establishment consistent with regulations and policy?</p>	<ul style="list-style-type: none"> <li>types and content of signs and advertising</li> </ul>
Hours of operation	<p>Are the hours of operation within the terms and conditions of the licence?</p> <p>Does the establishment shift its primary purpose away from the service of food during any hours of its operation?</p>	<ul style="list-style-type: none"> <li>hours of operation indicated on licence</li> <li>hours of operation advertised for establishment</li> <li>kitchen hours</li> <li>payroll records for kitchen staff</li> </ul>
Establishment's financial records	<p>Do the payroll records and food and beverage purchase and sales records for that business day support a primary focus on, and engagement in, the service of food?</p>	<ul style="list-style-type: none"> <li>payroll records</li> <li>food purchase records</li> <li>liquor register</li> <li>food and liquor sales records</li> </ul>
Ratio of food to liquor sales	<p>Do the receipts for the establishment demonstrate that its primary purpose is the service of food?</p> <p>If the ratio is inconsistent, can the high price of the liquor explain it, or are most of the sales liquor?</p>	<ul style="list-style-type: none"> <li>menu</li> <li>liquor price list</li> <li>sales receipts</li> </ul>

5. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for the operation of the establishment
  - whether the licensee has written policies and procedures with respect to service of food, games and entertainment or any of the other factors listed above
  - whether staff have been trained on these policies and procedures, and / or
  - whether the licensee has supervised or tested staff to ensure they were following these policies and procedures.
6. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 11(1) of the regulation "Operating contrary to primary purpose."

## SECTION 5: MINORS

### 5.1 Supplying Liquor to Minors / Permitting Minors to Consume Liquor

1. If an inspector observes a patron who appears to be a minor in possession of, consuming or purchasing liquor, the inspector will observe and document the actions of the patron and staff before notifying the licensee of their concerns.
2. The inspector will ask the person for identification. The inspector will review the identification and consider any information the person provides to verify the identification. If the person refuses to provide identification to the inspector, the inspector will ask the licensee to ask the person for identification.
3. If the person does not have proper identification, the inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview each staff member who had contact with the minor, e.g., servers, door staff
  - interview the licensee
  - interview the minor and obtain name and contact information
  - seize any forged, altered or impostor identification
  - obtain sales receipts for the minor's table
  - interview other patrons and obtain names and contact information, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element are listed in the following table:

Element	Evidence
The person in question is a minor	<ul style="list-style-type: none"><li>• name and date of birth on identification</li><li>• whether identification is forged, altered or counterfeit</li><li>• whether identification belongs to someone else</li><li>• name and date of birth of minor</li></ul>
The minor was in possession of liquor or The minor was consuming liquor	<ul style="list-style-type: none"><li>• type and brand of liquor</li><li>• whether empty liquor bottles and / or glasses were in front of the minor</li><li>• whether liquor was in front of the minor</li><li>• whether the minor was holding liquor</li><li>• whether the minor was consuming liquor</li></ul>
The licensee sold or supplied the liquor to the minor	<ul style="list-style-type: none"><li>• whether staff took a drink order from the minor</li><li>• whether staff sold or served liquor to the minor</li><li>• sales receipt for the minor</li></ul>

Element	Evidence
The licensee knew or ought to have known that the minor was consuming liquor	<ul style="list-style-type: none"> <li>• whether staff took a drink order from the minor</li> <li>• whether staff served liquor to the minor</li> <li>• sales receipt for the minor</li> <li>• whether the minor was openly consuming liquor</li> <li>• location of the minor in the establishment</li> <li>• level of intoxication of the minor</li> <li>• how often staff walked by the minor</li> </ul>

4. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, or whether a defence under section 33(5) of the Act may apply, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for door control and / or liquor service
  - whether the licensee has written policies and procedures on door control and / or service to minors
  - whether staff had been trained on these policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
  - door control procedures
  - lighting
  - whether the minor was asked for identification at the door or before being served liquor
  - whether the identification presented to the inspector was the only identification in the minor's possession
  - whether the minor produced identification
  - whether door staff examined the identification
  - whether the identification appeared authentic
  - how often staff walked by the minor
  - how long the minor was in the establishment
  - the location of the minor in the establishment
  - how many other minors were in the establishment at the time
  - how busy the establishment was, and / or
  - the number of staff on duty.
5. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:
  - section 33(1)(a) of the Act "Supplying liquor to a minor," or
  - section 33(1)(c) of the Act "Permitting a minor to consume liquor."
6. The inspector will ask the licensee to tell the minor to leave the establishment and to escort them off the premises.

## 5.2 Permitting Minors on Licensed Premises

1. If an inspector observes a patron who appears to be a minor in an establishment where minors are restricted or not permitted, the inspector will observe and document the activities of the patron and staff before notifying the licensee of their concerns.
2. The inspector will ask the person for identification. The inspector will review the identification and consider any information the person provides to verify the identification. If the person refuses to provide identification to the inspector, the inspector will ask the licensee to ask the person for identification.
3. If the person does not have proper identification, the inspector will gather further evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence
  - interview each staff member who had contact with the minor, e.g., servers, door staff
  - interview the licensee
  - interview the minor and obtain name and contact information
  - seize any forged, altered or impostor identification
  - obtain sales receipts for the minor's table
  - interview other patrons and obtain names and contact information, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Minors are restricted or not allowed on the premises	<ul style="list-style-type: none"> <li>• the terms and conditions of the licence respecting minors</li> <li>• in a winery lounge, special event area or licensee retail store, whether the minor is accompanied by an adult, parent or guardian</li> <li>• whether the minor is a full member of a military mess; the mess is land-based and the event is sponsored by the military or a member of the mess; the establishment is ship-based</li> <li>• whether the minor is employed as an entertainer</li> </ul>
The person in question is a minor	<ul style="list-style-type: none"> <li>• name and date of birth on identification</li> <li>• whether identification is forged, altered or counterfeit</li> <li>• whether identification belongs to someone else</li> <li>• name and date of birth of minor</li> </ul>

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2006*

Element	Evidence
The licensee knew or ought to have known that the minor was on the premises	<ul style="list-style-type: none"> <li>• the location of the minor in the establishment</li> <li>• the length of time the minor was in the establishment</li> <li>• door control procedures</li> <li>• lighting</li> <li>• whether there are uncontrolled entrances or exits</li> <li>• whether the minor was asked for two pieces of identification at the door</li> <li>• whether the identification presented to the inspector was the only identification in the minor's possession</li> <li>• whether the minor had two pieces of identification</li> <li>• whether the identification produced by the minor was satisfactory</li> <li>• how often staff members walked by the minor</li> <li>• whether staff served liquor to the minor</li> </ul>

- In addition to the evidence gathered to determine whether the licensee "permitted" the contravention outlined in procedure 3 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for door control and / or liquor service
  - whether the licensee has written policies and procedures with respect to door control, entertainers who are minors and / or service to minors
  - whether staff had been trained on these policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
  - how many other minors were in the establishment at the time
  - how busy the establishment was, and / or
  - the number of staff on duty.
- Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 35 of the Act "Permitting a minor on the premises."
- The inspector will ask the licensee to tell the person to leave the establishment and to escort them off the premises.

## SECTION 6: GAMBLING

### 6.1 Authorizing or Permitting Gambling

1. If an inspector observes unauthorized gambling occurring in a licensed establishment, the inspector will observe and document the actions of patrons and staff before notifying the licensee of their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence regarding gambling
  - review any licence issued by the Gaming Policy and Enforcement Branch
  - interview staff members
  - interview the licensee
  - interview patrons involved in the gambling
  - seize any liquor being offered as prizes, and / or
  - obtain a copy of any advertisements.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Unapproved gambling was occurring in the licensed establishment	<ul style="list-style-type: none"> <li>• the nature of the gambling, e.g., a card game, a coin toss</li> <li>• the nature of the consideration and potential gain</li> <li>• the number of patrons and number of tables involved in the gambling</li> <li>• whether the licensee and staff were participating in the gambling</li> <li>• the location of the gambling in the establishment</li> <li>• whether the licensee or charitable organization had a gaming licence for the activity</li> <li>• if the activity was licensed, how the conduct of the activity contravened branch policy, e.g., prizes included liquor, casino held in a licensed area</li> </ul>
The licensee knew or ought to have known that gambling was occurring	<ul style="list-style-type: none"> <li>• whether the licensee was aware of the gambling</li> <li>• how often staff walked by or observed the gambling</li> <li>• whether the gambling activity was evident</li> <li>• whether and how the licensee organized the establishment to accommodate the gambling, e.g., tables at the back set up for card games</li> <li>• whether, directly or indirectly, the licensee received a portion of the bets</li> <li>• whether patrons paid a fee to play the game in the establishment</li> <li>• whether, directly or indirectly, the licensee received the fee or a portion of the fee patrons paid to play the game in the establishment</li> <li>• how long the unapproved gambling activity was taking place</li> <li>• whether the gambling was having an impact on the management and control of the establishment</li> </ul>



3. In addition to the evidence gathered to determine whether the licensee "permitted" the contravention outlined in procedure 2 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for supervising activities in the establishment
  - whether the licensee has written policies and procedures with respect to gambling
  - whether staff had been trained on any policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following the policies and procedures
  - how busy the establishment was, and / or
  - the number of staff on duty.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 36(2)(a) of the Act "Authorizing or permitting gambling."
5. If appropriate, the inspector will contact the Gaming Policy and Enforcement Branch of the Ministry of Public Safety and Solicitor General and / or the police to report the unauthorized gambling.

## 6.2 Authorizing or Permitting a Gambling Device

1. If an inspector observes an unauthorized gambling device in a licensed establishment, the inspector will observe and document the actions of any patrons using the device and staff before notifying the licensee of their concerns.
2. The inspector will gather evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence regarding gambling devices
  - interview staff members
  - interview the licensee
  - interview patrons using the device, and / or
  - photograph the device and its location.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
An unapproved gambling device was placed, kept or maintained in the licensed establishment	<ul style="list-style-type: none"> <li>• the type of device, e.g., a video lottery terminal</li> <li>• whether the device is in working order</li> <li>• whether any patrons are using the device</li> <li>• how the device is used, e.g., the device is a coin operated machine</li> <li>• whether the device pays off</li> <li>• the nature of the consideration and potential gain</li> <li>• whether gambling devices are approved on the licence</li> <li>• the number of patrons using the device</li> </ul>



<b>Element</b>	<b>Evidence</b>
The licensee knew or ought to have known that the device was in the establishment	<ul style="list-style-type: none"><li>• whether the licensee was aware of the device</li><li>• how often staff walked by or observed the device</li><li>• the location of the device in the establishment</li><li>• whether staff or the licensee used the device</li><li>• the length of time that the device was in use</li><li>• whether the establishment had been arranged to accommodate the device</li><li>• whether the device is stationary or portable</li><li>• whether the gambling was having an impact on the management and control of the establishment</li></ul>

3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 36(2)(c) of the Act "Authorizing or permitting a gambling device."



## SECTION 7: DISORDERLY OR RIOTOUS CONDUCT

### 7.1 Authorizing or Permitting Disorderly or Riotous Conduct

1. If an inspector observes or suspects that riotous or disorderly conduct may occur, or is occurring, in a licensed establishment, the inspector will assess:
  - the ability of the licensee to manage the situation, and
  - the safety risk to the inspector, patrons and staff.
2. If the inspector concludes that the licensee is unable to manage the situation and the situation is unsafe, the inspector will contact the police and ask that they come to the licensed establishment.
3. The inspector will gather evidence of each element of the contravention. The inspector may:
  - observe and document the activities of the licensee, staff and patrons
  - interview staff members
  - interview the licensee
  - interview patrons, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Disorderly or riotous conduct was occurring in the licensed establishment	<ul style="list-style-type: none"> <li>• the nature of the conduct, for example:               <ul style="list-style-type: none"> <li>– intoxicated patrons</li> <li>– loud voices, foul language, threats</li> <li>– minor physical violence, e.g., pushing, gesturing</li> <li>– major physical violence, e.g., violence involving more than two people, hitting, use of a weapon</li> </ul> </li> <li>• the number of patrons and tables involved</li> <li>• where the conduct occurred</li> <li>• whether and how the conduct affected the licensee's ability to manage and control the establishment</li> </ul>
The licensee knew or ought to have known that the conduct was occurring	<ul style="list-style-type: none"> <li>• how often staff walked by and observed the situation</li> <li>• whether the conduct was evident</li> <li>• how the situation started</li> <li>• how long the conduct continued</li> <li>• how the licensee dealt with the situation</li> <li>• whether the licensee contacted the police</li> <li>• whether the licensee and staff participated in the conduct</li> </ul>

4. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 3 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for control of conduct in the establishment
  - whether the licensee adequately supervised the establishment to prevent disorderly or riotous conduct from occurring
  - how busy the establishment was, and / or
  - the number of staff on duty.
5. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 36(2)(a) of the Act "Authorizing or permitting disorderly or riotous conduct."

## 7.2 Authorizing or Permitting Unlawful Activities

1. If an inspector observes or suspects that unlawful activities are occurring in a licensed establishment, the inspector will:
  4. observe and document the activities of patrons and staff, and
  5. notify the police of their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - pose as a patron in order to gain further information
  - contact police for further information
  - interview staff members
  - interview the licensee
  - interview patrons, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Unlawful activities were occurring in the licensed establishment	<ul style="list-style-type: none"> <li>• the nature of the activity, e.g., possessing drugs, using drugs, trafficking drugs, prostitution, selling stolen goods</li> <li>• whether the activity is prohibited under the Criminal Code</li> <li>• police response to the activity</li> <li>• whether the activity resulted in charges or convictions</li> <li>• the number of patrons and / or staff involved</li> <li>• whether and how the activities affected the licensee's ability to manage and control the establishment</li> </ul>

<b>Element</b>	<b>Evidence</b>
The licensee knew or ought to have known that the activities were occurring	<ul style="list-style-type: none"><li>• whether the licensee and staff participated in the activities, e.g., staff dealing drugs or directing inspector to drug dealer in the establishment</li><li>• how often staff walked by and observed the activities</li><li>• where the activities were occurring</li><li>• whether the activities were evident</li><li>• how long the activities continued</li><li>• how the licensee tried to prevent the activities, e.g., lie detector screening of staff</li><li>• how the licensee dealt with the activities, e.g., imposing sanctions on involved staff</li><li>• whether the licensee contacted the police</li></ul>

3. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 2 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for controlling conduct in the establishment
  - whether the licensee adequately supervised the establishment to prevent unlawful activities from occurring
  - whether the establishment was busy at the time, and / or
  - the number of staff on duty at the time.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of 36(2)(b) of the Act "Authorizing or permitting unlawful activities."



## SECTION 8: INTOXICATED PATRONS

### 8.1 Selling Liquor to an Intoxicated Person

1. If an inspector observes a patron who appears to be intoxicated, the inspector will observe and document the activities of the person and staff before notifying the licensee of their concerns. If there is a possibility of a confrontation, the inspector should observe the intoxicated person from a distance.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview staff who had contact with the person, e.g., servers, door staff
  - interview the licensee
  - interview the person and obtain name and contact information
  - obtain sales receipts for the person's table
  - interview other patrons at the person's table and obtain their names and contact information, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee sold or gave liquor to the person	<ul style="list-style-type: none"><li>• the type and brand of liquor sold or given</li><li>• whether staff took a liquor order from the person</li><li>• whether staff served the person liquor</li><li>• whether the person had liquor in front of them</li><li>• whether the person was holding liquor</li><li>• whether the person consumed liquor</li><li>• whether staff removed liquor from the person</li><li>• whether a friend ordered liquor for the person</li><li>• the number of empty liquor bottles and / or glasses in front of the person</li><li>• the person's sales receipt</li></ul>

Element	Evidence
The person was intoxicated or apparently under the influence of liquor	<ul style="list-style-type: none"> <li>the person's blood alcohol content</li> <li>the person's physical appearance, e.g., red or bloodshot eyes, dishevelled appearance, odour of liquor, glassy eyes, eyes with dilated pupils, eyes unable to focus, eyelids drooping</li> <li>the person's motor skills, e.g., unsteadiness on feet, staggering, exaggerated care in walking, slurred speech, fumbling with small objects such as money or cigarettes, lack of coordination, head bobbing, spilling drink, missing mouth when trying to drink from glass</li> <li>the person's level of alertness, e.g., incoherent speech, sleepy, sleeping, inability to concentrate, speaking very slowly and deliberately, lighting more than one cigarette at a time</li> <li>whether the person exhibited exaggerated emotionalism, e.g., talkativeness, excessive boisterousness, bravado, buying drinks for strangers, annoying other customers, overly friendly, bragging, talking loudly, sudden mood changes</li> <li>whether the person exhibited signs of aggression, e.g., arguing with employees or other customers, using profane language, physical violence</li> <li>whether the person exhibited rational and logical thought processes, e.g., irrational statements, no linear flow to statements, loss of train of thought</li> </ul>

- The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor service
  - whether the licensee has written policies and procedures about identifying and serving intoxicated persons
  - whether staff had been trained on these policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
  - door control procedures
  - lighting
  - whether the person exhibited signs of intoxication in the presence of the licensee or staff, and / or
  - how many other intoxicated persons were in the establishment at the time.
- Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 43(1) of the Act "Selling liquor to an intoxicated person."

## 8.2 Permitting a Person to Become Intoxicated

- If an inspector observes a patron who appears to be intoxicated, the inspector will observe and document the activities of the person and staff before notifying the licensee of their concerns. If there is a possibility of a confrontation, the inspector should observe the intoxicated person from a distance.
- The inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview staff who had contact with the person, e.g., servers, door staff
  - interview the licensee
  - interview the person and obtain name and contact information



- obtain sales receipts for the person's table
- interview other patrons at the person's table and obtain their names and contact information, and / or
- obtain any surveillance videos from the licensee.

Examples of the evidence the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The person was intoxicated	<ul style="list-style-type: none"> <li>• the person's blood alcohol content</li> <li>• the person's physical appearance, e.g., red or bloodshot eyes, dishevelled appearance, odour of liquor, glassy eyes, eyes with dilated pupils, eyes unable to focus, eyelids drooping</li> <li>• the person's motor skills, e.g., unsteadiness on feet, staggering, exaggerated care in walking, slurred speech, fumbling with small objects such as money or cigarettes, lack of coordination, head bobbing, spilling drink, missing mouth when trying to drink from glass</li> <li>• the person's level of alertness, e.g., incoherent speech, sleepy, sleeping, inability to concentrate, speaking very slowly and deliberately, lighting more than one cigarette at a time</li> <li>• whether the person exhibited exaggerated emotionalism, e.g., talkativeness, excessive boisterousness, bravado, buying drinks for strangers, annoying other customers, overly friendly, bragging, talking loudly, sudden mood changes</li> <li>• whether the person exhibited signs of aggression, e.g., arguing with employees or other customers, using profane language, physical violence</li> <li>• whether the person exhibited rational and logical thought processes, e.g., irrational statements, no linear flow to statements, loss of train of thought</li> </ul>
The licensee knew or ought to have known that the person was becoming intoxicated	<ul style="list-style-type: none"> <li>• how long the person was in the establishment</li> <li>• the location of the person inside or outside the establishment</li> <li>• the number of times staff walked by the person</li> <li>• the number of times staff served the person</li> <li>• whether the person exhibited signs of intoxication in the presence of the licensee or staff</li> <li>• the type and brand of liquor being served to the person</li> <li>• the number of drinks served to the person</li> <li>• the number of empty liquor bottles and / or glasses in front of the person</li> <li>• the person's sales receipt</li> <li>• whether the licensee had door staff on duty</li> <li>• lighting in the establishment</li> </ul>

3. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 2 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor service
  - whether the licensee has written policies and procedures about identifying and preventing intoxication
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.

4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 43(2)(a) of the Act "Permitting a person to become intoxicated."

### 8.3 Permitting an Intoxicated Person to Remain

1. If an inspector observes a patron who appears to be intoxicated, the inspector will observe and document the activities of the person and staff before notifying the licensee of their concerns. If there is a possibility of a confrontation, the inspector should observe the intoxicated person from a distance.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview staff who had contact with the person, e.g., servers, door staff
  - interview the licensee
  - interview the person and obtain name and contact information
  - interview other patrons at the person's table and obtain their names and contact information, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The person was intoxicated	<ul style="list-style-type: none"> <li>• the person's blood alcohol content</li> <li>• the person's physical appearance, e.g., red or bloodshot eyes, dishevelled appearance, odour of liquor, glassy eyes, eyes with dilated pupils, eyes unable to focus, eyelids drooping</li> <li>• the person's motor skills, e.g., unsteadiness on feet, staggering, exaggerated care in walking, slurred speech, fumbling with small objects such as money or cigarettes, lack of coordination, head bobbing, spilling drink, missing mouth when trying to drink from glass</li> <li>• the person's level of alertness, e.g., incoherent speech, sleepy, sleeping, inability to concentrate, speaking very slowly and deliberately, lighting more than one cigarette at a time</li> <li>• whether the person exhibited exaggerated emotionalism, e.g., talkativeness, excessive boisterousness, bravado, buying drinks for strangers, annoying other customers, overly friendly, bragging, talking loudly, sudden mood changes</li> <li>• whether the person exhibited signs of aggression, e.g., arguing with employees or other customers, using profane language, physical violence</li> <li>• whether the person exhibited rational and logical thought processes, e.g., irrational statements, no linear flow to statements, loss of train of thought</li> </ul>
The person was in that part of the establishment where liquor is sold, served or otherwise supplied	<ul style="list-style-type: none"> <li>• the location of the person in the establishment</li> <li>• whether the person was in the red-lined area of the establishment</li> </ul>

Element	Evidence
The licensee knew or ought to have known that an intoxicated person was in that part of the establishment	<ul style="list-style-type: none"> <li>• how long the person was in the establishment</li> <li>• how many times staff walked by the person</li> <li>• how many times staff served the person</li> <li>• whether the person exhibited signs of intoxication in the presence of the licensee or staff</li> <li>• the number and type of drinks the person was served</li> <li>• the number of empty liquor bottles and / or glasses in front of the person</li> <li>• the person's sales receipt</li> <li>• whether the licensee had door staff on duty</li> <li>• whether there were uncontrolled entrances or exits to the establishment</li> <li>• what the licensee or staff did to remove the person from the establishment</li> </ul>

3. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 2 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for door control
  - whether the licensee has written policies and procedures about identifying and removing intoxicated persons
  - whether staff had been trained on these policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
  - how busy the establishment was, and / or
  - how many staff were on duty.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 43(2)(b) of the Act "Permitting an intoxicated person to remain."



## SECTION 9: WEAPONS

### 9.1 Permitting a Person with a Weapon to Enter or Remain

1. If an inspector knows or suspects that a person in a licensed establishment has a weapon, the inspector will contact the police immediately. If there is potential for harm to the inspector or a volatile situation, the inspector will leave the establishment.
2. The inspector will observe and document the activities of the person with the weapon and staff before notifying the licensee of their concerns.
3. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview staff
  - interview the licensee
  - interview the person with the weapon and obtain name and contact information
  - interview other patrons and obtain names and contact information
  - interview and obtain notes from any police officers in attendance, and / or
  - obtain any surveillance videos from the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee knew that the person possessed a weapon without lawful excuse	<ul style="list-style-type: none"> <li>• the type of weapon, e.g., knife, firearm, broken bottle</li> <li>• name and description of the person</li> <li>• lighting</li> <li>• whether the weapon was visible</li> <li>• whether the person held the weapon</li> <li>• whether licensee or staff observed the weapon</li> <li>• whether licensee or staff were told about the weapon</li> <li>• whether the licensee or staff questioned the person about the weapon</li> <li>• whether the person had a lawful excuse, e.g., Kirpan carried by member of Sikh religion</li> <li>• whether the person used the weapon and a description of any injuries resulting from use of the weapon</li> </ul>
The licensee knew or ought to have known that the person entered or remained in the establishment	<ul style="list-style-type: none"> <li>• the location of the person</li> <li>• what the licensee did to remove the person from the establishment</li> <li>• whether the licensee contacted the police</li> <li>• whether experienced door staff were on duty</li> <li>• whether there were uncontrolled entrances or exits</li> <li>• whether the person ordered drinks or was served</li> <li>• whether the licensee used a metal detector to screen people entering the establishment</li> </ul>

4. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 3 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:

- the name and duties of the person who was the directing mind of the licensee responsible for door control and supervision of patrons in the establishment
  - whether the licensee has written policies and procedures on weapons
  - whether staff had been trained on these policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
  - how busy the establishment was, and / or
  - the number of staff on duty.
5. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 47(2) of the Act "Permitting a person with a weapon to enter or remain."

## SECTION 10: OVERCROWDING

### 10.1 Overcrowding Beyond the Person or Patron Capacity

1. If an inspector suspects that an establishment may be overcrowded, the inspector will observe and document the activities of door staff, bouncers or other staff members, before notifying the licensee of their concerns.
2. The inspector will take an initial count. The inspector will review the licence and floor plan to verify the patron or person capacity, the layout of the areas, area capacities and, if available, the occupant load.
3. If, after taking the initial count, the inspector concludes that an establishment may be over its licensed capacity, the inspector will gather further evidence for each element of the contravention. The inspector may:
  - take a count of the total patrons in the establishment or a specific area to determine if the establishment or area is over its patron capacity. The inspector may ask the licensee to identify staff members so they can be subtracted from the total person count.
  - take a count of all persons in the establishment or a specific area to determine if the establishment or area is over its person capacity
  - if necessary to take an accurate count, ask the licensee to turn off the music and turn up the lights. If this request is made and not granted, the inspector will note this in the inspector's notebook.
  - ask the licensee, manager or supervisor to take a count
  - interview door staff and ask to see the numbers recorded on their counters
  - ask a police officer to take a count of the patrons and staff in the establishment if a police officer is present
  - interview the licensee and ask for a copy of the documentation from the local government authority that certifies the current occupant load
  - contact headquarters licensing department to confirm the patron or person capacity and determine whether or not the licensee has applied for an increase in capacity, and / or
  - contact the appropriate local government authority to determine the occupant load of the establishment, whether the licensee has applied to increase the occupant load of the establishment and the status of any application.

Examples of the evidence the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The number of patrons or persons in the establishment exceeded the licensed person or patron capacity	<ul style="list-style-type: none"> <li>the licensed capacity of the establishment or area</li> <li>the counts taken by the inspector</li> <li>any counts taken by staff</li> <li>any other counts taken at the time</li> <li>the number of counts taken</li> <li>the method used to take all counts and any factors that may have influenced the accuracy of the counts</li> <li>number of patrons, staff and entertainers</li> <li>numbers recorded on the door staff's counters</li> <li>whether the licensee helped the inspector by taking a count</li> <li>whether the licensee helped the inspector by turning off the music, raising the level of the lights or providing any other assistance the inspector asked for</li> </ul>
The licensee knew or ought to have known that the establishment was overcrowded	<ul style="list-style-type: none"> <li>whether the inspector was able to move easily through the establishment</li> <li>whether the overcrowding resulted in disorderly conduct such as violent or rough patron behaviour, or unacceptable noise in the street from patrons leaving the establishment</li> <li>door control procedures</li> <li>licensee procedures for counting patrons</li> <li>the number of door staff</li> <li>whether staff are aware of the licensed capacity</li> <li>the number of uncontrolled entrances and exits</li> <li>steps the licensee took to reduce the overcrowding</li> <li>how long the establishment was overcrowded</li> </ul>
The number of persons was less than, equal to or greater than the occupant load of the establishment	<ul style="list-style-type: none"> <li>the occupant load of the establishment indicated by the licensee</li> <li>the occupant load of the establishment indicated by the local government</li> </ul>

4. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 3 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for door control
  - whether the licensee has written policies and procedures on door control and overcrowding
  - whether staff had been trained on these policies and procedures
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
  - whether the licensee has applied for an increase in person capacity
  - whether the licensee has applied for an increase in the occupant load, and / or
  - the number of staff on duty.



5. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee referencing either:
- section 6(4) of the regulation, if the contravention is for a licence issued after December 2, 2002 or amended in accordance with section 6(1) or 6(3) of the regulation, or
  - section 12 of the Act and section 71(2)(b) of the regulation, if the contravention is for a licence issued before December 2, 2002 which has not been amended in accordance with section 6(1) or 6(3) of the regulation.

If the inspector is aware that the overcrowding is in excess of the occupant load, the inspector will indicate "Overcrowding beyond patron capacity beyond occupant load" or "Overcrowding beyond person capacity beyond occupant load" as the alleged contravention. In all other situations, the inspector will list "Overcrowding beyond patron capacity less than or equal to occupant load" or "Overcrowding beyond person capacity less than or equal to occupant load" as the alleged contravention. If the inspector later determines that the overcrowding is in excess of the occupant load, the inspector will amend the contravention notice.

6. If the establishment is overcrowded, the inspector will tell the licensee to reduce the number of people in the establishment.



## SECTION 11: ILLICIT LIQUOR

### 11.1 Unlawfully Selling Liquor

1. If an inspector suspects that a licensee is unlawfully selling liquor or is improperly storing liquor, the inspector may:
  - organize an illicit liquor inspection in accordance with the policies and procedures outlined in the Illicit Liquor Field Manual, and / or
  - gather evidence of the contravention during the course of a regular inspection.
2. The inspector will gather evidence of each element of the contravention. The inspector may:
  - interview staff
  - interview the licensee
  - obtain a copy of the liquor register and compare with the liquor stock
  - inspect all liquor storage areas
  - record CPC or SKU codes from products
  - obtain records from LDB detailing liquor purchases for the licensee
  - seize liquor, and / or
  - take liquor samples for testing and analysis.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee kept liquor for sale, sold liquor or gave liquor for other consideration  or  The licensee kept private liquor at the establishment  or  The licensee did not separate liquor kept for culinary purposes from liquor kept for sale	<ul style="list-style-type: none"> <li>• brand and type of liquor</li> <li>• amount of liquor</li> <li>• the location of the liquor</li> <li>• whether bottles were opened</li> <li>• whether the liquor was sold to patrons</li> <li>• sales receipts</li> <li>• whether patrons were in possession of the liquor</li> <li>• whether the licensee intended to sell the liquor</li> <li>• whether the liquor was private liquor</li> <li>• whether the liquor was for culinary purposes</li> </ul>
The liquor was not purchased from the Liquor Distribution Branch	<ul style="list-style-type: none"> <li>• liquor register entries</li> <li>• LDB sales data</li> <li>• CPC or SKU codes from products</li> <li>• whether CPC or SKU codes on products matched sales data from LDB</li> <li>• features that indicate the liquor was not purchased from the LDB, e.g., unfamiliar labels, duty free labels, export labels, no labels</li> <li>• results of liquor analysis</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - whether the licensee reconciled the liquor in the establishment with the liquor registry upon purchase of the establishment
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor inventory and storage
  - whether the licensee had policies and procedures for storage of personal liquor, resale of samples provided by manufacturers, etc.
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:
  - section 38(1) of the Act "Unlawfully selling liquor," or
  - section 12 of the Act "Improperly storing liquor."

## **11.2 Diluting or Adulterating Liquor**

1. If an inspector observes a licensee or staff member diluting or adulterating liquor or refilling a bottle or container, the inspector will observe and document the actions of the licensee or staff member before alerting the licensee to their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview staff
  - interview the licensee
  - obtain a copy of the liquor register
  - seize liquor products
  - take liquor samples for testing and analysis, and / or
  - inspect behind the bar, coolers and storage areas.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
<p>The licensee diluted or adulterated liquor, or kept it for sale or sold it</p> <p>or</p> <p>The licensee added to or refilled the bottle or container</p>	<ul style="list-style-type: none"> <li>• type of liquor and brand name</li> <li>• whether the fluid looked, smelled or tasted like liquor</li> <li>• whether the contents of the bottle matched the description on the label</li> <li>• results from analysis of seized liquor</li> <li>• results from analysis of liquor samples</li> <li>• whether bottle or container labels were worn or otherwise indicated that the bottle or container had been refilled or added to</li> <li>• the name and duties of the person who diluted or adulterated the liquor</li> <li>• the name and duties of the person who refilled or added to the bottle or container</li> <li>• the location of the diluted or adulterated liquor or refilled bottle or containers</li> <li>• whether the adulterated or diluted liquor was sold to patrons</li> </ul>
<p>The dilution or adulteration was not done at the request of a person ordering a drink</p>	<ul style="list-style-type: none"> <li>• whether the dilution or adulteration was done as a result of a patron ordering a drink</li> <li>• whether the dilution or adulteration was done at the bar in view of patrons</li> <li>• whether drinks were pre-mixed</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for the bar and liquor inventory
  - whether the licensee has written policies and procedures on pre-mixing drinks or refilling bottles or containers
  - whether staff had been trained on these policies and procedures, and
  - whether the licensee adequately supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:
  - section 38.1(1) of the Act "Diluting or adulterating liquor," or
  - section 38.1(3) of the Act "Refilling or adding to a bottle or container."

### 11.3 Unlawfully Purchasing Liquor

1. If an inspector suspects that a licensee has unlawfully purchased liquor, the inspector may:
  - organize an illicit liquor inspection in accordance with the policies and procedures outlined in the Illicit Liquor Field Manual, and / or
  - gather evidence of the contravention during the course of a regular inspection.

2. The inspector will gather evidence of each element of the contravention. The inspector may:
- interview staff
  - interview the licensee
  - obtain the liquor register and compare the register with the liquor stock
  - obtain bank statements, purchase receipts or other documentation that may indicate where the liquor was purchased
  - record CPC or SKU codes on products
  - seize liquor
  - take liquor samples for purposes of testing and analysis, and / or
  - obtain records from LDB detailing liquor purchases for the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee purchased liquor or took liquor for other consideration	<ul style="list-style-type: none"> <li>• brand and type of liquor</li> <li>• amount of liquor</li> <li>• the location of the liquor</li> <li>• purchase receipts, bank statements or other documentation</li> </ul>
The purchase or taking of liquor was not lawful	<ul style="list-style-type: none"> <li>• LDB sales data</li> <li>• CPC or SKU codes from products</li> <li>• whether CPC or SKU codes on products matched sales data from LDB</li> <li>• liquor register entries</li> <li>• features that indicate the liquor was not purchased from the LDB, e.g., unfamiliar labels, duty free labels, export labels, no labels</li> <li>• the type and quantity of liquor</li> <li>• results of liquor analysis</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
- the name and duties of the person who was the directing mind of the licensee responsible for liquor purchases
  - whether the licensee had policies and procedures on liquor purchases or taking liquor from manufacturers or representatives
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 39 of the Act "Unlawfully purchasing liquor."

## 11.4 Failing to Maintain a Liquor Register

1. If a licensee is unable to produce an accurate and complete liquor register for the establishment, the inspector will document the evidence of the contravention, including:
  - the number of times the inspector asked to see the liquor register
  - the circumstances surrounding the requests
  - any explanation provided by the licensee for the lack of a liquor register
  - the time period the licensee was given to produce the liquor register, and / or
  - a description and copies of any records produced.
2. The inspector will issue a contravention notice to the licensee alleging a contravention of section 35(3) of the regulation "Failing to maintain a liquor register."

## 11.5 Purchasing Liquor over the Counter

1. If an inspector suspects that a licensee has purchased liquor from an unauthorized source or without identifying themselves as a licensee, the inspector will gather evidence of either element of the contravention. The inspector may:
  - obtain records from LDB detailing liquor purchases for the licensee
  - obtain copies of any sales receipts
  - interview staff where the liquor was purchased
  - record CPC or SKU codes from products
  - seize liquor
  - obtain a copy of the liquor register and compare it with the liquor in stock, and / or
  - interview the licensee.

Examples of the evidence that the inspector may gather for either element of the contravention are listed in the following table:

Element	Evidence
The licensee purchased liquor from an unauthorized source	<ul style="list-style-type: none"> <li>• brand and type of liquor</li> <li>• amount of liquor</li> <li>• sales receipts</li> <li>• LDB sales data</li> <li>• CPC or SKU codes from products</li> </ul>
or	
The licensee purchased liquor without identifying themselves as a licensee	<ul style="list-style-type: none"> <li>• whether CPC or SKU codes on products matched sales data from LDB</li> <li>• description of licensee or purchase from staff where the liquor was purchased</li> </ul>

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor purchases
  - whether the licensee had policies and procedures on over the counter liquor purchases
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 35(1) of the Act, either:
  - "Purchasing liquor other than from a designated store," or
  - "Purchasing liquor without identifying licensee."

## 11.6 Selling Liquor Purchased Under Another Licence

1. If an inspector suspects that a licensee has sold liquor that was purchased under another licence, the inspector will gather evidence of each element of the contravention. The inspector may:
  - interview staff
  - interview the licensee
  - obtain the liquor register and compare the register with the liquor stock
  - obtain bank statements, purchase receipts or other documentation that may indicate which licence purchased the liquor
  - record CPC or SKU codes from liquor products
  - seize liquor, and / or
  - obtain records from LDB detailing liquor purchases for the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee sold or provided liquor	<ul style="list-style-type: none"> <li>• brand and type of liquor</li> <li>• amount of liquor</li> <li>• the location of the liquor in the establishment</li> <li>• sales receipts</li> <li>• whether patrons were served or consumed the liquor</li> </ul>
The liquor was purchased under another licence	<ul style="list-style-type: none"> <li>• LDB sales data</li> <li>• CPC or SKU codes from products</li> <li>• whether CPC or SKU codes on products matched sales data from LDB</li> <li>• liquor register entries</li> <li>• purchase receipts, bank statements or other documentation that may indicate which licence purchased the liquor</li> </ul>



2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor purchases
  - whether the licensee had policies and procedures on selling liquor purchased under another licence
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 36 of the regulation "Selling liquor purchased under another licence."



## SECTION 12: LIQUOR SERVICE

### 12.1 Failing to Complete the Training Program

Revised  
June  
2007

1. If an inspector suspects that a licensee, manager or server has not completed the Serving It Right: The Responsible Beverage Service Program, the inspector will ask to see the person's certificate of completion.
2. If the person or licensee is unable to produce the certificate, the inspector will gather further evidence of each element of the contravention. The inspector may:
  - interview the person
  - interview the licensee
  - obtain employment records from the licensee, and / or
  - contact the program administering authority to determine whether the person completed the program.

Revised  
June  
2007

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence <span style="float: right;">Revised June 2007</span>
The person failed to complete the training program	<ul style="list-style-type: none"> <li>• the person's position and duties</li> <li>• whether the person produced a certificate of completion</li> <li>• whether the program administering authority confirmed that the person had completed the training program</li> </ul>
The person is not exempt from completion of the training program	<ul style="list-style-type: none"> <li>• whether the person is an unpaid manager or server in a liquor-primary club</li> <li>• whether the person is a server in a food-primary establishment without a lounge endorsement</li> <li>• whether the person is an unpaid server in an establishment licensed under a special occasion licence</li> <li>• whether the person obtained a private special occasion licence and is not acting on behalf of an organized group of persons</li> </ul>

Revised  
June  
2007

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:

Revised  
June  
2007

- the name and duties of the person who was the directing mind of the licensee responsible for hiring
- whether the licensee had written policies which required confirmation of completion of the training program before employment
- whether the manager or staff responsible for hiring confirmed that staff completion of the training program occurred prior to employment, and / or
- whether the licensee supervised or tested staff to ensure they were following this policy.

Revised  
June  
2007

4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:

- section 43 of the regulation "Licensee failing to complete the training program," or

Revised  
June  
2007

- section 43 of the regulation "Allowing a person to manage or serve without verifying completion of the training program."

## 12.2 Failing to Clear Patrons

1. If an inspector observes people in an establishment more than half an hour after licensed liquor service ended, the inspector will observe and document the activities of the people and staff.
2. If it appears that the people are patrons, the inspector will gather further evidence for each element of the contravention. The inspector may:
  - review the hours of liquor service indicated on the licence
  - review the licence to determine whether a longer period has been allowed for clearing patrons
  - interview the patrons and obtain their names and contact information
  - interview staff, and / or
  - interview the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Patrons remained in the establishment	<ul style="list-style-type: none"> <li>• whether the people were patrons or staff</li> <li>• location of the patrons</li> <li>• how many patrons remained in the establishment</li> <li>• whether the patrons appeared to be leaving, e.g., people putting coats on</li> <li>• what the licensee and staff did to clear the patrons</li> <li>• whether the establishment appeared to be open for business</li> <li>• number of staff</li> <li>• whether liquor dispensers or cooler controls were locked</li> <li>• whether liquor bottles were in speed wells</li> <li>• whether lights were on</li> <li>• whether music was playing</li> <li>• when the licensee announced last call</li> <li>• how long the patrons remained in the establishment</li> </ul>
It was more than half an hour after licensed liquor service ended	<ul style="list-style-type: none"> <li>• time on the inspector's watch</li> <li>• time on any clocks in the establishment and whether the clocks appear to be working</li> <li>• hours of liquor service indicated on licence</li> <li>• whether the licence authorized a longer period of time to clear patrons</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - information from the licensee on why patrons remained in the establishment
  - the name and duties of the person who was the directing mind of the licensee responsible for closing and clearing patrons from the establishment
  - whether the licensee had written policies and procedures on clearing patrons
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.

4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 44(1)(a) of the regulation "Failing to clear patrons."
5. The inspector will tell the licensee to clear the patrons from the establishment.

### **12.3 Failing to Clear Liquor**

1. If an inspector observes patrons with liquor more than half an hour after licensed liquor service ended, the inspector will observe and document the activities of patrons and staff before notifying the licensee of their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - examine products to determine if they are liquor
  - review the terms and conditions of the licence
  - interview staff
  - interview the licensee
  - obtain sales receipts
  - seize liquor samples for testing and analysis, and / or
  - interview patrons and obtain names and contact information.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

<b>Element</b>	<b>Evidence</b>
The licensee failed to take liquor from patrons	<ul style="list-style-type: none"> <li>• location of the patrons</li> <li>• how many patrons had liquor</li> <li>• the type, brand and amount of liquor</li> <li>• colour and smell of fluid</li> <li>• the volume of liquor remaining in bottles and glasses, e.g., half full</li> <li>• whether the kitchen was operating</li> <li>• the number of staff</li> <li>• what the licensee and staff did to remove the liquor</li> <li>• when the licensee announced last call</li> <li>• whether liquor dispensers or cooler controls were locked</li> <li>• whether liquor bottles were in speed wells</li> <li>• sales receipts</li> </ul>
It was more than half an hour after licensed liquor service ended	<ul style="list-style-type: none"> <li>• time on the inspector's watch</li> <li>• time on any clocks in the establishment and whether the clocks appear to be working</li> <li>• hours of liquor service indicated on licence</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - information from the licensee on why patrons still had liquor
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor service
  - whether the licensee has written policies and procedures on removing liquor from patrons after liquor service ends
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 44(1)(b) of the regulation "Failing to clear liquor."

#### **12.4 Allowing a Person to Consume Liquor More than Half an Hour after Liquor Service Ends**

1. If an inspector observes patrons consuming liquor more than half an hour after licensed liquor service ended, the inspector will observe and document the activities of patrons and staff.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - attempt to purchase liquor
  - examine products to determine if they are liquor
  - review the terms and conditions of the licence
  - interview staff
  - interview the licensee
  - obtain sales receipts
  - seize liquor samples for testing and analysis, and / or
  - interview patrons and obtain names and contact information.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Patrons were consuming liquor	<ul style="list-style-type: none"> <li>• whether patrons were purchasing liquor</li> <li>• whether patrons were consuming liquor</li> <li>• location of the patrons</li> <li>• how many glasses and bottles are on tables</li> <li>• how many patrons are purchasing or consuming liquor</li> <li>• the type, brand and amount of liquor</li> <li>• colour and smell of fluid</li> <li>• the volume of liquor remaining in bottles and glasses, e.g., half full</li> <li>• how many staff were on duty</li> <li>• what the licensee and staff did to clear liquor</li> <li>• when the licensee announced last call</li> <li>• whether liquor dispensers or cooler controls were locked</li> <li>• whether liquor bottles were in speed wells</li> <li>• whether patrons were consuming food or non-alcoholic drinks</li> <li>• whether the inspector was able to purchase liquor</li> <li>• sales receipts</li> </ul>
It was more than half an hour after licensed liquor service ended	<ul style="list-style-type: none"> <li>• time on the inspector's watch</li> <li>• time on any clocks in the establishment and whether the clocks appear to be working</li> <li>• hours of liquor service indicated on licence</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor service
  - whether the licensee has written policies and procedures on clearing liquor after liquor service ends
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 44(3) of the regulation "Allowing a person to consume liquor more than half an hour after liquor service ends."

## 12.5 Licensee or Employee Consuming Liquor

1. If an inspector suspects a licensee or employee is consuming liquor while working, the inspector will observe and document the activities of the licensee or employee and other staff.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - examine products to determine if they are liquor
  - interview staff
  - interview the licensee

- interview the employee
- obtain payroll records or work schedules
- obtain a copy of the person's job description or employment contract to determine whether the person is an employee or a contractor, and / or
- seize liquor samples for testing and analysis.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee or employee was consuming liquor in the establishment	<ul style="list-style-type: none"> <li>• whether the person was an employee or a contractor</li> <li>• location of the licensee or employee</li> <li>• the type, brand and amount of liquor</li> <li>• colour and smell of fluid</li> <li>• whether the licensee or employee had the odour of liquor on their breath</li> <li>• indicators of intoxication</li> <li>• the name and duties of the person who poured the liquor for the licensee or employee</li> <li>• whether the licensee or employee was openly consuming liquor</li> <li>• whether other staff observed the licensee or employee consuming liquor</li> <li>• the names and duties of employees consuming liquor</li> <li>• the name of the licensee who was consuming liquor</li> <li>• whether the consumption of liquor was adversely affecting the management of the establishment</li> <li>• how many patrons were in the establishment</li> </ul>
The licensee or employee was working	<ul style="list-style-type: none"> <li>• shift schedules or payroll records</li> <li>• duties performed by the licensee or employee while they were consuming liquor</li> <li>• whether the licensee or employee was on a break or between shifts</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor service
  - whether the licensee has written policies and procedures on consuming liquor while working
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 42(3) of the regulation "Employee or licensee consuming liquor while working."



5. If the inspector feels that the licensee cannot maintain control of the establishment because of their own consumption or the consumption of liquor by employees, the inspector may:
  - attempt to have the licensee obtain a responsible staff member to relieve them
  - encourage the licensee to clear the patrons and close the establishment, or
  - contact the police.

## **12.6 Permitting Consumption of Liquor not Purchased from the Licensee**

1. If an inspector observes a person consuming liquor that does not appear to have been purchased or served in the establishment, the inspector will observe and document the activities of the person and staff before notifying the licensee of their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - examine products to determine if they are liquor
  - interview staff
  - interview the licensee
  - interview the person
  - record CPC or SKU codes from the products
  - contact Liquor Distribution Branch to obtain purchase records for the establishment
  - seize the liquor
  - try to determine the origin or source of the liquor, and / or
  - obtain sales receipts.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

<b>Element</b>	<b>Evidence</b>
The licensee knew or ought to have known that the person was consuming liquor	<ul style="list-style-type: none"> <li>• location of the person</li> <li>• the type, brand and amount of liquor</li> <li>• colour and smell of fluid</li> <li>• indicators of intoxication</li> <li>• whether the person was openly consuming the liquor</li> <li>• whether staff observed the person consuming liquor</li> <li>• whether staff have knowledge of, or can account for, the liquor</li> <li>• whether the licensee had experienced door staff on duty</li> <li>• whether there were uncontrolled exits or entrances</li> <li>• lighting</li> <li>• how many patrons were consuming outside liquor</li> </ul>

<b>Element</b>	<b>Evidence</b>
The liquor had not been purchased from, or served by, the licensee	<ul style="list-style-type: none"> <li>• liquor register</li> <li>• LDB sales data</li> <li>• CPC or SKU codes from products</li> <li>• whether CPC or SKU codes on products matched sales data from LDB</li> <li>• factors indicating that the liquor was not purchased from the establishment, e.g., wine bottle in a bag under the table</li> <li>• sales receipt for the patron</li> </ul>

3. In addition to the evidence gathered to determine whether or not the licensee “permitted” the contravention outlined in procedure 2 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for supervision of patrons
  - whether the licensee has written policies and procedures on patrons bringing in and consuming outside liquor
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 42(2) of the regulation “Permitting consumption of liquor not purchased from the licensee.”

## **12.7 Permitting Removal of Liquor**

1. If an inspector observes a person removing liquor from the establishment or with liquor outside the establishment, the inspector will observe and document the activities of the person and staff before notifying the licensee of their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence
  - examine products to determine if they are liquor
  - interview staff
  - interview the licensee
  - interview the person who allegedly removed the liquor
  - interview other patrons who may have witnessed the liquor being removed, and / or
  - obtain sales receipts.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The person removed from the establishment liquor that was sold or served by the licensee	<ul style="list-style-type: none"> <li>• red-lined area indicated on the licence</li> <li>• where the person was</li> <li>• whether staff served the person</li> <li>• the type, brand and amount of liquor</li> <li>• sales receipt</li> </ul>
The licensee knew or ought to have known that the person removed the liquor from the establishment	<ul style="list-style-type: none"> <li>• whether the licensee had experienced door staff on duty</li> <li>• whether there were uncontrolled exits or entrances</li> <li>• lighting</li> <li>• how many staff were on duty</li> <li>• how busy the establishment was</li> <li>• what the licensee or staff did to prevent the person removing liquor</li> <li>• how many people were removing liquor</li> <li>• factors suggesting liquor would not be consumed in establishment, e.g., person placed liquor in a paper bag or in a backpack</li> <li>• whether red-lined area is visibly distinct from rest of establishment</li> </ul>
The removal was not authorized by the Act, regulation or terms and conditions of the licence	<ul style="list-style-type: none"> <li>• terms and conditions of the licence regarding off-premises sales</li> <li>• how the off-premises sale contravened the terms and condition of the licence, e.g., sale after 11 pm</li> </ul>

3. In addition to the evidence gathered to determine whether or not the licensee "permitted" the contravention outlined in procedure 2 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - whether the licensee had signs in place directing patrons not to remove liquor
  - the name and duties of the person who was the directing mind of the licensee responsible for supervision of patrons
  - whether the licensee has written policies and procedures on patrons removing liquor
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 42(4) of the regulation "Permitting removal of liquor."

## 12.8 Liquor Pricing

1. If an inspector suspects that a licensee has committed a contravention relating to liquor pricing, the inspector will gather evidence of the identified contravention. The inspector may:
  - attempt to purchase a drink
  - document their own observations
  - interview the licensee

- interview staff
- interview patrons
- obtain sales receipts from the licensee
- count the number of patrons in the establishment and compare the number of patrons to the volume of liquor sales, and / or
- obtain copies of any advertisements or menus.

Examples of the evidence that the inspector may gather for each contravention are listed in the following table:

Element	Evidence
The licensee provided unlimited or unspecified quantities of liquor for a single price	<ul style="list-style-type: none"> <li>• advertising or menus</li> <li>• details of the incident, e.g., bartender pouring liquor into patron's mouth, unlimited champagne on New Year's Eve</li> <li>• whether a list was available for patrons showing prices and quantities of liquor for sale</li> <li>• type of liquor provided</li> <li>• quantity of liquor provided</li> <li>• price of liquor provided</li> <li>• sales receipts</li> <li>• names and duties of staff involved</li> <li>• how many patrons were involved</li> </ul>
The licensee used a sales strategy that is likely to promote or encourage intoxication	<ul style="list-style-type: none"> <li>• advertising or menus</li> <li>• price, quantities and type of liquor</li> <li>• details of the sales strategy, e.g., two for one specials, pre-mixed shooter trays, exceeding drink sizes</li> <li>• whether patrons became intoxicated as a result of the sales strategy and any evidence of intoxication</li> <li>• names and duties of staff involved</li> <li>• how many patrons were involved</li> <li>• sales receipts</li> <li>• whether the amount of liquor sold per person would be likely to promote intoxication</li> </ul>
The licensee changed the price of liquor during the day	<ul style="list-style-type: none"> <li>• advertising or menus</li> <li>• details of the price change, e.g., happy hour special, multiple free drinks</li> <li>• type of liquor or drinks that had price changed</li> <li>• price at the beginning of the day</li> <li>• price after the change</li> <li>• when the price was changed</li> <li>• name and duties of staff member who changed the price</li> <li>• sales receipts</li> <li>• how many patrons were involved</li> </ul>

- The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for liquor pricing
  - whether the licensee has written policies and procedures on liquor pricing
  - whether staff had been trained on these policies and procedures, and / or

- whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of:
- section 41(2) of the regulation "Providing unlimited or unspecified quantities of liquor for a single price"
  - section 41(2) of the regulation "Using a sales strategy that is likely to promote or encourage intoxication," or
  - section 41(2) of the regulation "Altering the price of liquor during the day."



## SECTION 13: ADVERTISING

### 13.1 Unauthorized Advertising

1. If an inspector observes advertising or signs that do not comply with the Act, regulation or terms and conditions of the licence, the inspector will gather evidence of the contravention. The inspector may :

- review the terms and conditions of the licence
- interview staff
- interview the licensee
- obtain a copy of the advertisement
- take a photograph or draw a sketch of the sign
- contact the Liquor Distribution Branch to determine whether advertised liquor products, packaging or labelling are approved, and / or
- review the Code for Broadcast Advertising of Alcoholic Beverages.

Examples of the evidence that the inspector may gather include:

- nature of the advertisement, e.g., television, radio, newspaper ad
  - where the signs or advertisement are located
  - when the sign or advertisement appeared
  - copy of the advertisement
  - photograph or sketch of the sign
  - description of the advertisement or sign
  - details of how the sign or advertisement contravened the Act, regulation or terms and conditions of the licence, e.g., advertisement featured people drinking liquor, sign was not approved by the general manager
  - relevant excerpts from the Code for Broadcast Advertising of Alcoholic Beverages, and / or
  - information from LDB regarding approved products, packaging or labelling.
4. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
    - whether the licensee was aware of, or had approved, the advertising
    - the name and duties of the person who was the directing mind of the licensee responsible for advertising
    - whether the licensee has written policies and procedures on advertising
    - whether staff had been trained on these policies and procedures, and / or
    - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
  5. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:
    - section 49 of the Act "Unauthorized display of signs," or
    - section 51.1 of the Act and section 57 of the regulation "Unauthorized advertising."
  6. Where the advertising is present in one or more corporate chain or franchise establishments, the inspector will send a letter to the corporate head office outlining the problem with the advertising and requesting that a notice be sent out to all establishments requesting that it be removed.





## SECTION 14: ENTERTAINMENT

### 14.1 Permitting Prohibited or Restricted Entertainment

1. If an inspector observes entertainment in a licensed establishment that may be prohibited or restricted, the inspector will observe and document the activities of the entertainers, patrons and staff before notifying the licensee of their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence
  - contact the local government to determine whether the entertainment is restricted by bylaw
  - interview the entertainers and obtain names and contact information
  - interview staff
  - interview the licensee, and / or
  - obtain copies of any advertisements for the entertainment.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Entertainment was occurring that was prohibited or restricted	<ul style="list-style-type: none"><li>• terms and conditions of the licence</li><li>• local government bylaws</li><li>• details of the entertainment</li><li>• how many entertainers were involved</li><li>• how many patrons were involved</li><li>• how the entertainment contravened the Act, regulation, terms and conditions of the licence or local government bylaws, e.g., simulated sex acts by exotic dancer, pool table in a food-primary establishment</li></ul>
The licensee knew or ought to have known that the prohibited or restricted entertainment was occurring	<ul style="list-style-type: none"><li>• whether the licensee or staff were aware of the entertainment</li><li>• where the entertainment was occurring</li><li>• how the entertainment affected order in the establishment, e.g., patrons were crowding the stage</li></ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for entertainment and supervision of the establishment
  - whether the licensee has written policies and procedures about entertainment
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.

4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 50 of the Act, either:
- "Permitting prohibited or restricted entertainment by a stripper or exotic dancer," or
  - "Permitting prohibited or restricted entertainment."

## SECTION 15: LICENSING CONTRAVENTIONS

### 15.1 Making Structural Changes without Permission

1. If an inspector suspects that a licensee has made structural changes without permission, the inspector will gather evidence of each element of the contravention. The inspector may:
  - inspect the establishment
  - review the licensee's application form and any applications for permanent changes to the licence
  - review the licence and the official floor plan
  - contact headquarters licensing division for further information on applications
  - review the field establishment file for photographs of the premises taken at the time of licensing
  - photograph or sketch the structural changes, and / or
  - interview the licensee.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee made a structural change	<ul style="list-style-type: none"><li>• photographs or drawings of the structural change</li><li>• description of the structural change</li><li>• how the structural change affected sight lines or management and control of the establishment</li></ul>
The licensee didn't receive permission for the change	<ul style="list-style-type: none"><li>• application forms</li><li>• details of any other correspondence between the licensee and the branch regarding the structural change</li></ul>

2. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 7 of the regulation "Making structural changes without permission."
3. The inspector will schedule a compliance meeting with the licensee. At the compliance meeting, the inspector will advise the licensee that if the licensee does not submit the appropriate forms to the branch to receive approval of the structural change within a specified time period, the licence will not be renewed.
4. The inspector will send the licensee a letter confirming that the licence will not be renewed if the licensee does not submit the appropriate forms to the branch within the specified time period. The inspector will send a copy of the letter to compliance and enforcement headquarters.
5. Compliance and enforcement headquarters will indicate in POSSE that the licence should not be renewed.
6. Once the structural change is approved, the inspector will advise compliance and enforcement headquarters. Compliance and enforcement headquarters will indicate in POSSE that the licence can now be renewed.



## SECTION 16: INDUCEMENTS

### 16.1 Giving or Accepting Inducements

1. If an inspector suspects that a licensee, manufacturer or agent has given, demanded or accepted an inducement, the inspector will gather evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence
  - interview staff
  - interview the licensee
  - interview the manufacturer or agent
  - obtain the liquor register and LDB purchase data and compare with the liquor stock
  - seize liquor given as an inducement
  - obtain copies of bank statements or other documents that may assist in tracing cash inducements
  - obtain copies of any buy-sell agreements
  - obtain licensee sales data, and / or
  - photograph items given as inducements.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee, manufacturer or agent gave, demanded or accepted money, gifts or reward	<ul style="list-style-type: none"> <li>• the name of the licensee, manufacturer and / or agent</li> <li>• photographs or descriptions of any items given as inducements</li> <li>• descriptions of any services given as inducements</li> <li>• type, brand and amount of liquor given as inducements</li> </ul>
Money, gifts or reward were given, demanded or accepted for promoting liquor	<ul style="list-style-type: none"> <li>• type and brand of liquor being promoted</li> <li>• whether licensee sales data indicates higher than normal sales of the liquor</li> <li>• details of how the sale of liquor was promoted, e.g., drink specials, tasting event</li> </ul>

2. The inspector will gather evidence that indicates whether the licensee, manufacturer and / or agent were duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for relations with manufacturers and agents
  - whether the licensee has written policies and procedures about inducements
  - whether staff had been trained on these policies and procedures, and
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee, manufacturer and / or agent alleging a contravention of section 45 of the Act "Giving, demanding or accepting inducements."

## **16.2 Engaging in Unauthorized Promotional Activity**

1. If an inspector suspects that a licensee, manufacturer or agent is engaging in unauthorized promotional activity, the inspector will observe and document the activities of the licensee, manufacturer, agent and staff.
2. The inspector will gather evidence of each element of the contravention. The inspector may:
  - review the terms and conditions of the licence
  - interview staff
  - interview the licensee
  - interview the manufacturer or agent, and / or
  - obtain copies of any buy-sell agreements.

Examples of the evidence that the inspector may gather are listed in the following table:

<b>Element</b>	<b>Evidence</b>
The licensee, manufacturer and / or agent engaged in promotional activity that was not authorized by the terms and conditions of the licence	<ul style="list-style-type: none"><li>• the name of the licensee, manufacturer and / or agent</li><li>• details of how the promotional activity contravened the terms and conditions of the licence</li></ul>

3. The inspector will gather evidence that indicates whether the licensee, manufacturer and / or agent were duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for relations with manufacturers and agents
  - whether the licensee has written policies and procedures about promotional activities
  - whether staff had been trained on these policies and procedures, and
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee, manufacturer and / or agent alleging a contravention of section 50.1(3)(b) of the regulation "Engaging in unauthorized promotional activity."

## SECTION 17: PROMOTIONAL ACTIVITY

### 17.1 Engaging in Promotional Activity without a Buy-sell Agreement

1. If an inspector suspects that a licensee, manufacturer or agent is engaging in promotional activity that is not documented in a buy-sell agreement, the inspector will observe and document the details of the promotional activity.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - obtain a copy of a buy-sell agreement from the licensee, manufacturer or agent
  - interview the licensee
  - interview the licensee's staff
  - interview the manufacturer or agent
  - interview other licensees who are engaging in similar promotions with the manufacturer or agent
  - take photographs of any promotional items
  - seize liquor used in the promotion, and / or
  - obtain copies of any advertisements.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee, manufacturer or agent was engaging in promotional activity that must be documented in a buy-sell agreement	<ul style="list-style-type: none"> <li>• type and brand of liquor being promoted</li> <li>• details of the promotional activity including dates, times, number of people involved, type of activity</li> <li>• names of the licensee, staff, manufacturer or agent involved</li> </ul>
The activity was not documented in an appropriate buy-sell agreement	<ul style="list-style-type: none"> <li>• whether the licensee and the manufacturer or agent have a buy-sell agreement in place</li> <li>• copy of the buy-sell agreement</li> <li>• whether the buy-sell agreement meets branch policy with respect to content, form and term</li> <li>• whether the licensee, manufacturer or agent produced a buy-sell agreement immediately upon request</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee and manufacturer or agent were duly diligent in preventing the contravention, for example:
  - the number of licensees that the manufacturer or agent was engaging in promotional activity without an appropriate buy-sell agreement
  - the name and duties of the person who was the directing mind of the licensee responsible for promotional activities
  - whether the licensee has written policies and procedures about promotional activities
  - whether staff had been trained on these policies and procedures, and
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.

4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to both the licensee and the manufacturer or agent alleging a contravention of section 50.1(3)(d) of the regulation "Engaging in promotional activity without a buy-sell agreement."



## SECTION 18: UBREWS AND UVINS

### 18.1 Failing to Ensure the Customer Performs the Listed Tasks

1. If an inspector suspects that a licensee has performed any of the customer's tasks, the inspector will observe and document the activities of staff and customers before alerting the licensee to their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - pose as a customer during an inspection of the establishment
  - interview the licensee
  - interview staff
  - interview customers
  - photograph the premises or product
  - seize liquor, and / or
  - obtain a copy of the licensee's appointment book.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The customer did not primarily perform any of the listed tasks	<ul style="list-style-type: none"> <li>• the name and duties of the licensee or staff who were performing customer tasks</li> <li>• details of the customer tasks that the licensee or staff were performing</li> <li>• whether customers were pitching yeast</li> <li>• whether customers were bottling and removing product</li> <li>• how many staff were on duty</li> <li>• whether the number of staff on duty was consistent with an establishment where customers are performing the required tasks</li> <li>• number of wine or beer kits in inventory</li> <li>• whether the inventory of wine or beer kits was consistent with an establishment where customers are performing the required tasks</li> <li>• whether carboys are untagged</li> <li>• whether the same customer name is used on a large number of carboys</li> <li>• how much bottled product was stored on the premises</li> <li>• whether the number of appointments in the appointment book were consistent with the number of carboys</li> <li>• whether the size of the mixing and bottling area was consistent with an establishment where customers are performing the required tasks</li> </ul>
The customer was able to perform the tasks alone	<ul style="list-style-type: none"> <li>• whether customers were disabled so that they could not perform the required tasks alone</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about ensuring the customer performs the required tasks
  - whether staff had been trained on these policies and procedures, and / or

- whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 23 of the regulation "Failing to ensure the customer performs the listed tasks."

## 18.2 Failing to Comply with Payment, Acknowledgment or Invoice Requirements

1. If an inspector suspects that a licensee has not issued an invoice or obtained a signed acknowledgment from the customer, the inspector will observe and document the activities of staff and customers before alerting the licensee to their concerns.
2. The inspector will gather further evidence of each element of the contravention. The inspector may:
  - pose as a customer during an inspection of the establishment
  - interview the licensee
  - interview staff
  - interview customers
  - seize liquor
  - obtain copies of signed acknowledgments and invoices
  - obtain copies of financial records for the establishment, and
  - obtain a copy of the licensee's appointment book.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The customer began producing or manufacturing product	<ul style="list-style-type: none"> <li>• the name of the customer</li> <li>• whether the customer was the licensee or a staff member</li> <li>• whether the customer had mixed product</li> <li>• whether the customer had pitched the yeast</li> <li>• whether the customer had bottled and removed product</li> </ul>
The customer did not pay or sign an acknowledgment and / or the licensee did not provide the customer with an invoice	<ul style="list-style-type: none"> <li>• whether the licensee was able to produce a signed acknowledgment</li> <li>• whether the licensee was able to produce an invoice</li> <li>• whether the customer paid for ingredients or services before beginning production</li> <li>• whether the production was free of charge</li> <li>• whether the customer was able to produce an invoice or signed acknowledgment</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about ensuring that customers sign acknowledgments and receive invoices
  - whether staff had been trained on these policies and procedures, and / or

- whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 22 of the regulation, either:
- “Failing to obtain payment before production”
  - “Failing to obtain a signed acknowledgment,” or
  - “Failing to provide an invoice.”

### 18.3 Failing to Tag Carboys

1. If an inspector observes a carboy that is not properly tagged, the inspector will gather further evidence of the contravention. The inspector may:
- photograph carboys and tags
  - observe and document the information included on any tags
  - observe and document the stage of fermentation and contents of carboys
  - interview the licensee
  - interview staff
  - interview customers
  - seize liquor, and / or
  - obtain a copy of the licensee’s appointment book.

Examples of the evidence that the inspector may gather are listed in the following table:

Element	Evidence
A carboy was not properly tagged	<ul style="list-style-type: none"> <li>• the stage of fermentation and the contents of the carboy</li> <li>• whether the carboy was tagged</li> <li>• the information on any carboy tags</li> <li>• whether individual carboy tags were attached to a barrel</li> <li>• whether carboys being used for production by employees and the licensee were clearly tagged</li> </ul>

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
- the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about ensuring that carboys are tagged
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 25(1) of the regulation “Failing to tag carboy.”

## 18.4 Allowing Consumption at the Establishment

1. If an inspector suspects that the licensee is allowing customers to consume product at the establishment, the inspector will gather further evidence of each element of the contravention. The inspector may:
  - pose as a customer during an inspection
  - observe and document the activities of the licensee, staff and customers
  - interview the licensee
  - interview staff, and / or
  - interview customers.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
A customer consumed product at the establishment	<ul style="list-style-type: none"> <li>• the type of product consumed</li> <li>• the volume of product consumed</li> <li>• the name of the customer</li> <li>• where the consumption occurred</li> </ul>
The licensee knew or ought to have known that the customer was consuming product	<ul style="list-style-type: none"> <li>• whether the licensee posted signs to remind customers that consumption was prohibited</li> <li>• whether the licensee informed customers that consumption was prohibited</li> <li>• whether the licensee or staff were aware of the consumption</li> <li>• whether the licensee provided glasses or otherwise encouraged or accommodated the consumption</li> </ul>

2. In addition to the evidence gathered to determine whether the licensee "allowed" the contravention outlined in procedure 1 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about consumption of product at the establishment
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 26(1) of the regulation "Allowing consumption in the establishment."

## 18.5 Allowing Someone other than the Customer to Bottle Product

1. If an inspector suspects that the licensee is allowing someone other than the customer to bottle product, the inspector will gather evidence of each element of the contravention. The inspector may:
  - pose as a customer during an inspection
  - observe and document the activities of the licensee, staff and customers
  - interview the licensee

- interview staff
- interview customers
- obtain a copy of the invoice for the product, and / or
- obtain a copy of the appointment book for the establishment.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
Someone other than the customer bottled product	<ul style="list-style-type: none"> <li>• the name of the person who did the bottling</li> <li>• the name of the customer</li> <li>• whether the person was assisting the customer</li> </ul>
The licensee knew or ought to have known that someone other than the customer was bottling product	<ul style="list-style-type: none"> <li>• whether the licensee was aware that someone other than the customer bottled the product</li> <li>• description of any procedures the licensee had in place to ensure that only customers bottle product</li> </ul>

2. In addition to the evidence gathered to determine whether the licensee "allowed" the contravention outlined in procedure 1 above, the inspector will gather further evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about bottling by people who are not customers
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 27 of the regulation "Allowing someone other than the customer to bottle product."

## 18.6 Failing to Ensure that the Customer Removes Product

1. If an inspector suspects that a customer has not immediately removed bottled product, the inspector will gather evidence of the contravention. The inspector may:
  - pose as a customer during an inspection
  - observe and document the activities of the licensee, staff and customers
  - interview the licensee
  - interview staff
  - interview customers
  - obtain a copy of the appointment book and invoices for the establishment to determine which customer the product belongs to, and / or
  - seize bottled product left at the establishment.

Examples of the evidence that the inspector may gather are listed in the following table:

Element	Evidence
A customer did not immediately remove bottled product	<ul style="list-style-type: none"> <li>the name of the customer</li> <li>whether the customer intentionally left the bottled product behind</li> <li>volume and type of product</li> <li>date the product was bottled</li> <li>where the bottled product was located</li> </ul>

- The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - whether the licensee or staff were aware that product had been left at the establishment
  - whether the licensee or staff had set up a trading rack or otherwise encouraged customers to leave bottled product
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about immediately removing bottled product
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
- Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 28(1) of the regulation "Failing to ensure that the customer removes product."

## 18.7 Allowing a Minor to Produce Product

- If an inspector suspects that the licensee is allowing a minor to produce product, the inspector will gather evidence of each element of the contravention. The inspector may:
  - observe and document the activities of the licensee, staff and the minor
  - ask the person for two pieces of identification
  - interview the licensee
  - interview staff
  - interview the minor and obtain name and contact information, and / or
  - seize liquor being produced by the minor.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The person was a minor	<ul style="list-style-type: none"> <li>name and date of birth of minor</li> <li>name and date of birth on identification</li> <li>whether identification is forged, altered or counterfeit</li> <li>whether identification belongs to someone else</li> </ul>



Element	Evidence
The person produced product at the establishment	<ul style="list-style-type: none"> <li>• type of product being produced by the minor</li> <li>• whether the minor had paid for ingredients or services</li> <li>• whether the minor had been issued an invoice and signed an acknowledgment</li> <li>• whether the minor was accompanying a parent or guardian who was producing product at the establishment</li> </ul>

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - whether the licensee or staff asked the person for two pieces of identification before allowing them to produce product
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about minors
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 30 of the regulation "Allowing a minor to produce product."

## 18.8 Prohibited Advertising

1. If an inspector suspects that the licensee's advertising is not authorized by the regulation or the terms and conditions of the licence, the inspector will gather evidence of the contravention. The inspector may:
  - observe and document the actions of the licensee and staff
  - interview the licensee
  - interview staff, and / or
  - obtain a copy of the advertisement.

Examples of the evidence that the inspector may gather are listed in the following table:

Element	Evidence
The advertising was not authorized by the regulation or the terms and conditions of the licence	<ul style="list-style-type: none"> <li>• whether the licensee was providing product samples</li> <li>• type and volume of product samples provided</li> <li>• details of how the advertising contravened the regulations or the terms and conditions of the licence</li> <li>• whether the advertising referred to the price of finished product</li> </ul>

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for advertising
  - whether the licensee has written policies and procedures about advertising
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 32 of the regulation "Prohibited advertising."

## 18.9 Operating Outside of Licensed Hours

1. If an inspector suspects that the licensee is operating outside of licensed hours, the inspector will gather evidence of the contravention. The inspector may:
  - review the terms and conditions of the licence
  - schedule and conduct an inspection of the establishment outside of licensed hours
  - interview the licensee
  - interview staff, and / or
  - interview people in the vicinity of the establishment.

Examples of the evidence that the inspector may gather are listed in the following table:

Element	Evidence
The UBrew or UVin was operating outside of its licensed hours	<ul style="list-style-type: none"> <li>• time on the inspector's watch</li> <li>• time indicated by any clocks in the establishment</li> <li>• how many staff and customers were present</li> <li>• whether customers were producing product</li> <li>• whether the licensee or staff were producing product</li> <li>• whether the licensee or staff were trying to remove people from the establishment</li> </ul>

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about hours of operation
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 33 of the regulation "Operating outside of licensed hours."



## 18.10 Failing to Comply with Record-keeping and Reporting Requirements

1. If an inspector suspects that the licensee has failed to comply with record-keeping and reporting requirements, the inspector will gather evidence of the contravention. The inspector may:
  - contact headquarters to obtain copies of records and reports on the headquarters establishment file
  - ask the licensee to produce the document
  - inspect the establishment
  - interview the licensee, and / or
  - interview staff.

Examples of the evidence that the inspector may gather for each contravention are listed in the following table:

Element	Evidence
The licensee failed to make records available for inspection	<ul style="list-style-type: none"><li>• copies of any records produced by the licensee</li><li>• details of the request for records</li></ul>
The licensee failed to maintain records	<ul style="list-style-type: none"><li>• copies of any records produced by the licensee</li><li>• whether the records are authentic or forged</li></ul>
The licensee failed to submit semi-annual reports	<ul style="list-style-type: none"><li>• copies of any reports on the headquarters file</li><li>• date that the report was due</li></ul>

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for record-keeping and reporting requirements
  - whether the licensee has written policies and procedures about maintaining records and submitting reports
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:
  - section 31(1) of the regulation "Failing to make records available for inspection"
  - section 31(2) of the regulation "Failing to maintain records," or
  - section 31(3) of the regulation "Failing to submit semi-annual reports."

## 18.11 Selling Finished Product

1. If an inspector suspects that a licensee is selling finished product, the inspector will gather evidence of the contravention. The inspector may:
- review all records and reports submitted by the licensee
  - consider whether to organize and conduct an illicit liquor inspection, in accordance with the procedures outlined in the Illicit Liquor Field Manual
  - ask an inspector who is not known to the licensee to attend at the establishment to:
    - inquire about the role of the customer and the licensee at the establishment
    - inquire about the availability and cost of finished product, and
    - if possible, arrange to purchase finished product
  - inspect the establishment
  - observe and document the activities of the licensee, staff and customers
  - interview the licensee
  - interview staff
  - interview customers
  - obtain a copy of the appointment book and invoices for the establishment
  - obtain copies of advertisements for the establishment
  - obtain copies of records detailing product manufactured by the licensee and employees
  - obtain copies of records detailing the disposition of spoiled, spilled, unclaimed or returned product
  - take samples of finished product, and / or
  - seize finished product.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee kept beer or wine product for sale at the establishment	<ul style="list-style-type: none"> <li>• whether finished product is stored in the establishment</li> <li>• whether there are untagged carboys of product or a large volume of product identified as being the product of one customer or the licensee</li> <li>• whether the advertising of the establishment indicates finished product is available</li> <li>• whether the records of product manufactured by the licensee or employees indicates sale of finished product</li> <li>• whether the records detailing disposition of wasted product indicate sale of finished product</li> <li>• whether the records of volume produced at the establishment indicate sale of finished product</li> <li>• whether the licensee offered to sell or sold finished product to the inspector or another person</li> </ul>
or	
The licensee offered beer or wine product for sale at the establishment	
or	
The licensee produced beer or wine product for sale at the establishment	
or	
The licensee sold beer or wine product at the establishment	

2. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for operation of the establishment
  - whether the licensee has written policies and procedures about sale of finished product
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
3. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 29 of the regulation, either:
  - "Keeping for sale finished product"
  - "Offering for sale finished product"
  - "Producing for sale finished product," or
  - "Selling finished product."



## SECTION 19: SECTION 69 CONTRAVENTIONS

### 19.1 Permitting Sale, Service or Consumption of Liquor While Licence is Suspended

1. If an inspector suspects that liquor is being sold, served or consumed in an establishment when the licence is suspended, the inspector will gather evidence of each element of the contravention. The inspector may:
  - review the terms of the licence suspension
  - contact the police and ask them to participate in an inspection of the establishment
  - observe and document the activities of the licensee and staff
  - interview the licensee
  - interview staff
  - interview patrons
  - seize liquor
  - take samples of liquor
  - obtain sales receipts, and / or
  - contact the Liquor Distribution Branch to determine if the licensee purchased liquor while the licence was suspended.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

Element	Evidence
The licensee knew or ought to have known that liquor was being sold, served or consumed	<ul style="list-style-type: none"> <li>• whether a suspension sign was in place</li> <li>• whether the establishment was open for business</li> <li>• how many patrons were in the establishment</li> <li>• how many staff were in the establishment</li> <li>• whether liquor was being served or consumed</li> <li>• how many patrons were being served or consuming liquor</li> <li>• whether there was open liquor on tables or in the bar area</li> <li>• whether liquor cabinets were locked</li> <li>• whether glasses contained liquor or liquor residue</li> <li>• whether sales receipts indicate the sale of liquor</li> <li>• whether patrons were intoxicated</li> <li>• location of patrons who were consuming liquor</li> </ul>
The licence was suspended	<ul style="list-style-type: none"> <li>• whether the licence was suspended in whole or in part</li> <li>• dates of the suspension</li> <li>• terms and conditions of the suspension</li> </ul>

2. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of section 20 of the Act "Permitting sale, service or consumption of liquor while licence suspended."

3. As soon as possible after identifying this contravention and regardless of the day of the week or whether the inspector is on duty, the inspector will:
  - contact the regional manager to report the contravention, and
  - prepare a notice of enforcement action for the regional manager outlining the evidence gathered during the inspection. The notice will recommend that the general manager consider cancellation of the licence.
4. The regional manager will review and discuss the notice with the inspector and confirm or revise the proposed penalty.
5. The inspector will send the notice of enforcement action as soon as possible by registered mail to the licensee.
6. The regional manager will contact the case management administrator to request an expedited hearing on the contravention.

## **19.2 Failing to Permit Entry**

1. If the licensee fails to permit immediate entry to an inspector, the inspector will make another request for entry into the licensed establishment or premises associated with the establishment.
2. If the licensee again fails to permit immediate entry, the inspector will contact the police and ask them to attend at the establishment and request entry into the establishment. If the licensee allows the police to enter the establishment, the inspector will accompany the police into the establishment.
3. The inspector will gather further evidence of the contravention. The inspector may:
  - obtain copies of police notes and reports regarding the incident
  - observe and document the activities of the licensee, patrons and staff
  - interview the licensee, and / or
  - interview staff.

Examples of the evidence that the inspector may gather for each element of the contravention are listed in the following table:

<b>Element</b>	<b>Evidence</b>
The licensee obstructed or attempted to obstruct an entry or search by a peace officer  or  The licensee refused or failed to admit immediately a peace officer demanding entry  or  The licensee neglected or refused to allow premises to be inspected by the general manager or delegate	<ul style="list-style-type: none"> <li>• how many times the inspector requested entry</li> <li>• how many times the police requested entry</li> <li>• the names of the police officers in attendance</li> <li>• details of the requests for entry</li> <li>• when the requests for entry were made</li> <li>• how long it took the licensee to permit entry</li> <li>• the name of the staff member or licensee who refused entry</li> <li>• whether patrons were being admitted</li> <li>• the actions of the licensee when entry was demanded</li> <li>• whether the licensee recognized that entry was being demanded</li> </ul>

4. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:

- the name and duties of the person who was the directing mind of the licensee responsible for door control at the establishment
  - whether the licensee had written policies and procedures on permitting entry to inspectors and peace officers
  - whether staff had been trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures
5. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging a contravention of either:
    - section 67(3) of the Act "Refusing or failing to admit immediately a peace officer"
    - section 67(3) of the Act "Obstructing or attempting to obstruct entry or search by a peace officer," or
    - section 73(2) of the Act "Neglecting or refusing to allow premises to be inspected."
  6. As soon as possible after identifying this contravention and regardless of the day of the week or whether the inspector is on duty, the inspector will:
    - contact the regional manager to report the contravention, and
    - prepare a notice of enforcement action for the regional manager outlining the evidence gathered during the inspection. The notice will recommend that the general manager consider cancellation of the licence.
  7. The regional manager will review and discuss the notice with the inspector and confirm or revise the proposed penalty.
  8. The inspector will send the notice of enforcement action as soon as possible by registered mail to the licensee.
  9. The regional manager will contact the case management administrator to request an expedited hearing on the contravention.





## SECTION 20: OTHER CONTRAVENTIONS

### 20.1 Wineries and Breweries

1. If an inspector suspects that a contravention is occurring at a winery or brewery involving sampling, special events or use of the special event, tour or picnicking areas, the inspector will document and observe the activities of the licensee, patrons and staff before notifying the licensee of their concerns.
2. The inspector will gather further evidence of the contravention. The inspector may:
  - interview the licensee
  - interview staff
  - interview patrons
  - review the terms and conditions of the licence or special occasion licence
  - review the approved floor plan or plot drawing, and / or
  - photograph or sketch the area.

Examples of the evidence that the inspector may gather for each type of contravention are listed in the following table:

Contravention	Evidence
Failing to comply with sampling terms and conditions	<ul style="list-style-type: none"> <li>• whether the licence approved a sampling area</li> <li>• whether the sampling area corresponded with the area designated on the approved floor plan</li> <li>• whether patrons were being charged for samples</li> <li>• volume of samples given to patrons</li> <li>• number of patrons in the sampling area</li> </ul>
Failing to comply with picnicking area terms and conditions	<ul style="list-style-type: none"> <li>• size of the picnicking area</li> <li>• whether the location of the picnicking area corresponded with the approved plot drawing</li> <li>• whether the picnicking area was defined by a clearly identifiable boundary</li> <li>• description of boundary</li> <li>• whether the licensee was serving or selling liquor in the picnicking area</li> <li>• type of liquor being consumed in the picnicking area</li> <li>• whether customers were consuming liquor that was not purchased from the licensee</li> <li>• whether the picnicking area was protected from the elements</li> <li>• whether patrons were consuming liquor in the picnicking area outside of daylight hours</li> </ul>
Failing to comply with tour area terms and conditions	<ul style="list-style-type: none"> <li>• whether the location of the tour area corresponded with the approved floor plan or plot drawing</li> <li>• whether patrons were consuming wine that was not produced at the winery</li> <li>• whether patrons were consuming wine in the tour area outside of daylight hours</li> </ul>
Failing to comply with terms and conditions for	<ul style="list-style-type: none"> <li>• whether patrons were consuming liquor other than</li> </ul>

Contravention	Evidence
special events	<p>BC wines in a special event area</p> <ul style="list-style-type: none"> <li>• whether unaccompanied minors were present in the special event area</li> <li>• whether the special event was licensed under a special occasion licence</li> <li>• details of the special occasion licence, including licensee name</li> <li>• whether the primary purpose of the special event was to acquaint the public with the winery or brewery's products</li> </ul>

3. The inspector will gather evidence that indicates whether the licensee was duly diligent in preventing the contravention, such as:
  - the name and duties of the person who was the directing mind of the licensee responsible for the sampling area, the picnicking area, the tour area or special events
  - whether the licensee had written policies and procedures on samples, tours, use of the picnicking area or special events
  - whether staff were trained on these policies and procedures, and / or
  - whether the licensee supervised or tested staff to ensure they were following these policies and procedures.
  
4. Based on the evidence gathered, if the inspector forms the opinion that a contravention occurred, the inspector will issue a contravention notice to the licensee alleging the appropriate contravention, for example:
  - section 20 of the regulation "Charging for more than the maximum volume of samples"
  - section 18.1(6) of the regulation "Picnicking area not clearly defined by a boundary," or
  - section 12 of the Act "Selling or serving liquor in a picnicking area."



